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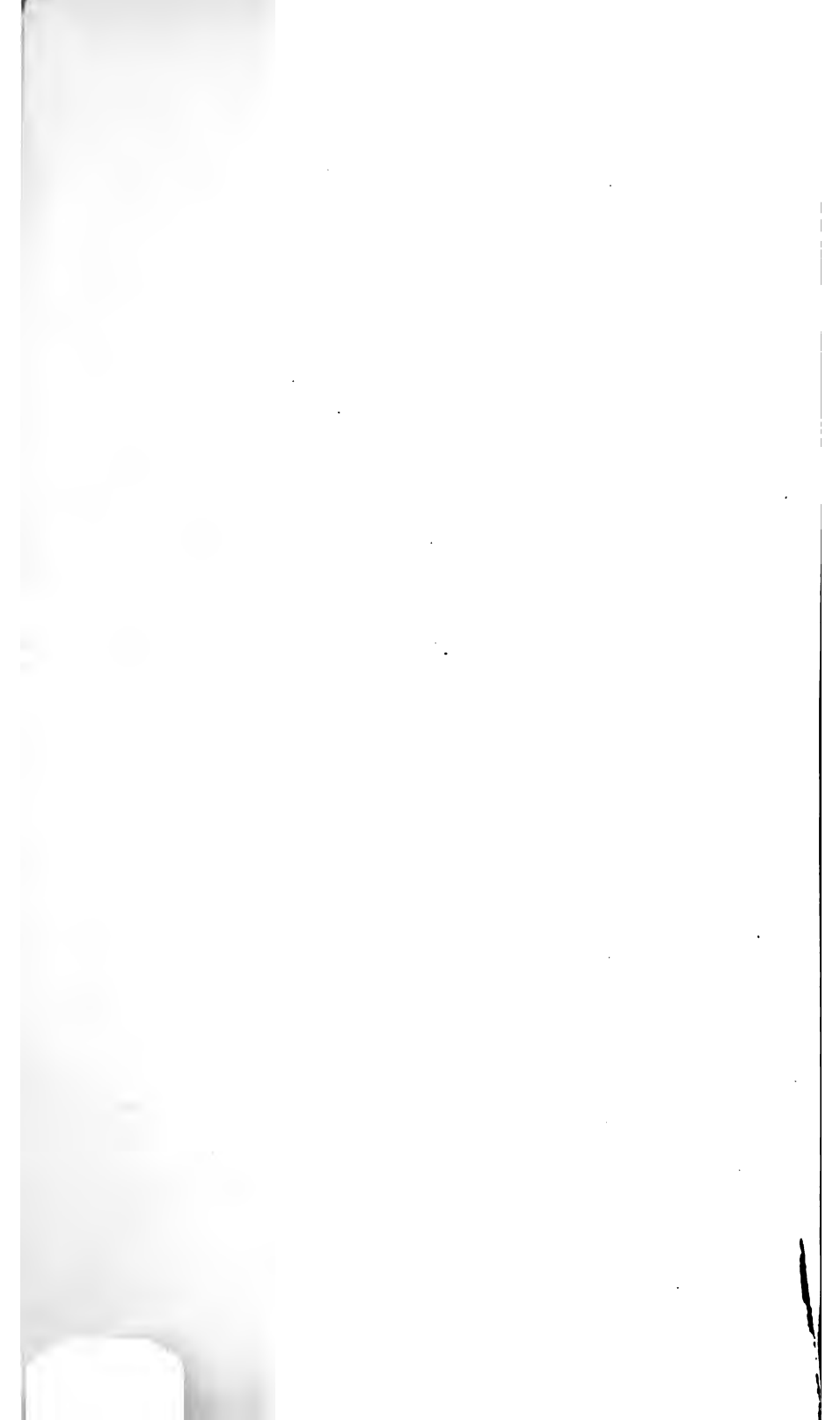
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George Bancroft

W. B. L. 1000





# **HISTORY OF ENGLAND.**

**VOL. I.**

LONDON:  
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THE  
HISTORY OF ENGLAND

FROM  
THE EARLIEST TIMES

TO  
THE FINAL ESTABLISHMENT OF THE REFORMATION:

BY  
THE RIGHT HONOURABLE  
SIR JAMES MACKINTOSH.

A NEW EDITION, REVISED BY THE AUTHOR'S SON,

R. J. MACKINTOSH, ESQ.

IN TWO VOLUMES. — VOL. I.

LONDON:  
LONGMAN, BROWN, GREEN, AND LONGMANS.  
1853.



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## P R E F A C E.

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THE authors of the Histories of Scotland and Ireland in the *Cabinet Cyclopædia*, in which the present Work also first appeared, were respectively Sir Walter Scott and Mr. Moore. The volumes now in the reader's hand have been again consigned to the press under the same superintendence as was exercised in the previous instance of the collection of the *Miscellaneous Works* of the present Author; and the fact is thus prominently intimated in consequence of a similarly large responsibility in the revision—occasionally venturing to the extent of a supposed emendation—of the text having been again on the present occasion assumed by the Editor. The propriety of such assumptions of authority must be left, probably always, to be judged according to the ever-varying standard of individual taste: but of the fact of their existence notice would seem to be in each case required. Further: while these volumes contain the whole of what, at the period of the Author's death, was designed for publication,—with a view of obviating, in as much as is now permitted, the reproach of incompleteness,

which the image, as it were, of a plough left standing in mid-furrow never fails painfully to suggest,—a few passages of an insulated character have been now thrown into an appendix, and the termination of the main narrative has been made to coincide with the real conclusion, in so far as this kingdom was concerned, of the most important of the recent epochs in human affairs.

R. J. MACKINTOSH.

# ADVERTISEMENT

PREFIXED TO

THE FIRST EDITION.

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THE following volumes are a part of an experiment to ascertain how far the most necessary portions of historical knowledge may, even in an abridged narrative, be rendered acceptable to general readers. Neither my habitual relish for English history, nor the hazardous honour of acting with such fellow-labourers\*, has blinded me to the difficulties of the attempt, which experience has shown to be more considerable than I apprehended they would prove. I need not compare the convenience of abridgment with the merits of circumstantial recital: both these sorts of historical composition have their use, and they must both always continue to be written. On behalf of such sketches, I may venture to take it for granted that an outline may be useful as an introduction, and convenient as a remembrancer; that it is a particularly accessible manual for reference; and that it may contain information concerning the affairs of one people, which men of different pursuits, of little leisure, or of other countries, may think it necessary to have always within their reach. The object at

\* Sir Walter Scott and Mr. Thomas Moore were the authors respectively of the Histories of Scotland and Ireland which appeared in conjunction with this work in the "Cabinet Cyclopædia." — ED.



which I have aimed is, to lay before the reader summary of the most memorable events in English history, in regular succession, together with an exposition of the nature and progress of our political institutions clear enough for educated and thinking men, with as little reasoning or reflection as the latter part of the object to which I have just adverted will allow, and with no more than that occasional particularity which may be needed to characterise an age or nation,—to lay open the workings of minds which have guided their fellows,—and, most of all, to strengthen the moral sentiments by the exercise of them on the personages conspicuous in history. I am fearful that I shall be thought to have said too much for one class of readers, and too little for another on the history of our government and laws. I can only offer in excuse that the characteristic quality of English history is, that it stands alone as the history of the progress of a great people towards liberty during six centuries; that it does not appear reasonable to lose sight of this extraordinary distinction in any account of it, however compressed; that the statement offered here, short as it must be, may much facilitate the right understanding of more recent controversies and changes; and, lastly, that a writer, however much he is to curb his peculiarities and guard against his most frequent faults, must at the same time bear in mind that there are some parts of every extensive subject for which nature and habit have less unfitted him than for others.

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# HISTORY OF ENGLAND.

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## CHAPTER I.

### INTRODUCTION.

AT the dawn of history, the western countries of Europe were occupied by tribes, differing from each other in those circumstances of physical constitution, outward form, usages, and especially language, which, for the purposes of civil history, may be considered as dividing mankind into distinct races. To whatever causes, acting in the infancy of nations, and long before the age of records, these varieties are to be ascribed, certain it is that, in the course of centuries, the ties of descent and language can be drawn so close, that their lasting effects may be easily observed, although too variable and complicated to be capable of definition. Peculiarity of character is transmitted in families and in tribes; and the influence of kindred blood extends, though growing fainter as it is diffused, to nations, and to a race which may comprehend many nations.

CHAP.  
I.

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When the Greek and Roman writers began to turn their eyes westward, they found Europe, from the farthest shores of Ireland to the banks of the Danube, peopled by a race called Gauls or Celts (or rather Kelts), who, before they were bound to the soil by tillage, had covered a great part of Spain by their armed migrations, and pouring predatory bands from their Alps into Italy, had struck a blow at Rome, and stretched their lasting dominions to the Apennines. Their settlements extended

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I.

along the Danube, with uncertain limits, till they were met by those of the Sarmatians, Thracians, and Illyrians. Their expeditions, more for plunder than for conquest, being in general prior to the period of history, we have but slender means of probable conjecture respecting their antiquity and extent. Some of their later incursions into, or establishments in, Italy and Greece are better known to us. A numerous body of the natives of Gaul, either of Celtic or Teutonic race, or composed of both, deserting some bands of their countrymen who were ravaging Greece, established themselves in Asia Minor under the successors of Alexander, and gave their name to the country, afterwards called Galatia. How far these wide-spread irruptions may, at different times, and in various proportions, be ascribed to the natural restlessness of such tribes, to the rapacity of their chiefs, and to the resistless pressure of invading barbarians from behind, are questions to which we have no means of giving a satisfactory answer.

The northern boundary of the Gauls was in general the Rhine, separating them from the Germanic or Teutonic race, which spread into Scandinavia, towards the last retreats of the Finnish tribes, in the polar solitudes on the one hand; and extended, on the other, from the shores of the Atlantic to the immense plains of the Sarmatians and Dacians. By the Garonne, they were divided from the Aquitanians, a people who appear by the testimony of the ancients, as well as by the names of the rivers and mountains of the Spanish peninsula to have been its original inhabitants.\* Of this Iberian race a small portion, under the name of Ligurians, occupied the coast of Gaul from the Pyrenees to the frontier of Italy.

Greece, more near the earliest seats of civilisation, was open to colonisation and conquest from various

\* This point is satisfactorily established by the Baron W. von Humboldt, in his most learned work on the significancy of most names of natural objects in Spain in the modern Bask language.

sources, both by land and sea. Hence, perhaps, has arisen the difficulty, not yet conquered, of discriminating its first inhabitants from its more civilised visitants, as well as of distinguishing the various bands of the latter from each other. Italy, accessible to colonists by sea, either from Greece or Asia, and always liable to the inroads of the natives or masters of the Alps, was inhabited by a greater variety and mixture of races than any other western region. Hence has arisen a confusion in the genealogy of its tribes, which modern acuteness and learning \* have only begun to disembroil. Colonies of the Phœnicians, as far as Carthage and Cadiz, still encircled the Mediterranean. No Grecian colonists had planted themselves farther to the west than the prosperous establishment of the Phœceans, at Massalia, or Massilia, which still flourishes under the slightly altered name of Marseilles.

It will be easily understood that in such times the natural boundaries of nations were often and irregularly changed. The course of migration was often diverted from its ordinary channels, — sometimes turned back towards its original source. Races were mingled, so that distinction became no longer discoverable. Of this confusion the Galatians in Asia, and the Keltiberians in Spain, afford notable examples. The Belgic people of northern Gaul have been thought by some to have been a mixed race of borderers. It is certain that Teutonic tribes, either from descent or from neighbourhood, were generally classed among them: though the natural tendency of an unwritten language be to break down first into dialects, and afterwards into distinct tongues, yet it happens sometimes in peculiar circumstances, that languages originally different, run into each other. At the opposite extremities of the earth, the Hindustanee and Anglo-Norman were formed out of jargons used in the

\* Niebuhr, *History of Rome*, under head of "Ancient Italy."



CHAP. intercourse of the conquerors and the conquered. The  
 I. victors have sometimes imposed their language on the vanquished with little mixture, as in some provinces of the Western empire. In India, it now seems to be the prevalent opinion that the Brahmins, either by the influence of religion and learning, or by the power of arms, have deeply tinged with Sanscrit all the varieties of Indian languages, though springing from entirely unlike and independent roots.

It may be convenient to warn the reader against confounding the signification of the term "race" in civil history with its import amongst naturalists. The latter confine their view to the animal nature of man, taking no account of his language, or of minor and superficial varieties in his exterior. They admit at present only four\*, or five races of men; 1. Caucasian; 2. Negro; 3. Tartar; 4. American; 5. perhaps Malay. Colour they justly exclude from their test. But though the Negro and the Mongol differ much more deeply and fundamentally from the European than the Hindu and the Arab, yet those who grant that the latter difference is the work of physical causes, in a long course of ages, will find it hard to prove that causes more powerful, and acting for a longer time, may not have at length produced the wider difference. By long separation, and by the natural divergency of language, these historical divisions of mankind are broken into smaller subdivisions, not always corresponding with the political distribution of territory. The same state contains many tribes of very various race: the same race is subject to many distinct rulers.

We are authorised by the decisive evidence of speech to conclude with certainty that the Celtic race is subdivided into at least two distinct portions, with lan-

\* Kant, Von den verschiedenen Racen der Menschen, &c.; Vermisch. Schrift. vol. ii. pp. 607. 660.

guages, which, though evidently derived from a common stock, are not reciprocally intelligible. One branch, called Gaelic, is still spoken by the Irish nation, by the Highlanders of Scotland, and in the Isle of Man: the other is the common speech of Wales and Lower Brittany, and was within the memory of man spoken in Cornwall. The common language seems only to differ in each subdivision by provincial variations. The Gaulish tribes are unable to converse with the Cimbric; yet there is sufficient evidence that the two languages are branches of the same family. Many circumstances combine to render it probable that the Cimbric followed the Gaulish settlers; and it is a specious and perhaps tenable supposition, that the former were the same Cimbri who, in conjunction with their Teutonic allies, were expelled from the Roman territory with a slaughter so enormous, and after atrocities so unmatched, as to be suspected of having been exaggerated—very naturally, but not perhaps justly, if it be borne in mind that the adversaries of the Romans were not armies, but migratory nations, bringing into the field women and children and fierce animals, all contributing to swell the horrors of the butchery, and first within the historic age teaching the Romans to dread the arms of the northern barbarians.

Before we finally confine our view to the British islands, it is natural to premise a remark on the contrast between the character of the two potent races which unequally shared these islands and the adjoining continent. The superior importance of the Teutonic, in our eyes, may be plausibly, and in part truly, imputed to the greater antiquity and obscurity of the Celtic contests with civilised nations, to the occurrence of the latter during the full vigour of Roman policy and discipline, to the fortunate position which reserved the Germanic tribes for encounter with the decaying powers of the conquerors, and to the lustre reflected on them by the

CHAP. success of their descendants, not only in arms, but in  
I. arts and legislation.

Much may be undoubtedly ascribed to all these causes. There are, however, marks of a deeply-seated distinction to which they do not reach. The valour of the Gauls, their willingness to assist each other against foreigners, their vivacity and natural capacity, are attested by the best observers of antiquity.\* Cæsar himself does justice to the merits of the brave tribes whom he subdued. They were far advanced beyond their Germanic neighbours in the arts and accommodations of life. This cultivation seems, indeed, to have been more conspicuous in the southern and eastern countries, influenced perhaps by the contiguity of the lettered and well-ordered republic of Massilia, as well as subsequently by the example of the Roman province, than along the frontier of the Rhine, or on the border of the ocean; yet the inhabitants of Franche-comté, of Burgundy, and of Auvergne, in and before the campaigns of Cæsar, had in their turn been the leading nations of Gaul.

The unprejudiced and unaffected description of the Gaulish character and usages by this great man is not only an admirable specimen of his calm observation and simple elegance, but is deserving of the utmost consideration, as a picture, by the hand of a master, of a condition of society which has been seldom paralleled:—“Among the Gauls the multitude are in a state of servile dependence upon the equestrian and sacerdotal orders. Most of them, indeed, for the sake of exemption from taxes or deliverance from debt, or protection against danger, have enslaved themselves to the nobility, whose power over them is as absolute as that of a master over his slaves. The Druids have the care of education: they alone cultivate knowledge; concealing from the vulgar the secret doctrines, in which only their pupils are in-

\* Strabo, on the authority of the philosopher Poseidonius, who had travelled in Gaul before Cæsar.

itiated. Their sacred and scientific duties exempt them from taxes and from military service: they determine the greater number of litigated questions: it is their business to allot rewards and punishments. The party who refuses to abide by their decision is punished by interdiction from sacrifices; which disables him from public office, brands him as impious and criminal, and cuts him off from intercourse with his fellow-creatures. These powers are rendered the more dreadful by the proneness to a dire superstition which taints the Gaulish character. All the political authority which such prerogatives in the priesthood suffer to exist, is exercised by a turbulent and factious nobility, whose constant occupation is to recruit and exercise their devoted adherents. The chieftain, or 'vergobret,' has an uncontrolled power of life and death over all the laymen of his tribe. Their domestic life corresponds to their ecclesiastical and civil polity. Husbands have the power of life and death over their wives and children. At the death of a nobleman, if there be suspicion against the wives, they are put to the torture as slaves: if they be thought guilty, after cruel torments, they die in the flames."\*

Most communities, in their advance out of barbarous confusion, have, indeed, been unable to stop short of throwing all power into the hands of a single person. They are generally borne along by the impulse of flying from evil which has been felt; acquiescing in an assumption of authority by the hands which alone afford them protection. But this progress is commonly slow, and nations are enticed into it partly by some proportional progress in the arts of life, which is considered as a visible proof of the propriety of their submission. It is

\* De Bello Gallico, lib. vi. cap. 13. 19. &c. Cæsar is represented as the highest authority on these subjects by the most competent of judges:—"Summus auctorum Divus Julius." Tacitus, De Moribus Germanorum, cap. xxviii.

## CHAP.

## I.

very seldom that we find so rapid an exchange of lawless licence for the evils of blind and irrevocable obedience to the will of others, as by the account of Cæsar appears to have taken place among the Gauls. Though they had advanced somewhat in arts and manners, they had made no progress towards civilisation which can be compared with that of their governments towards absolute power over the thoughts and actions of men. In one point of view they seemed to be only emerging from savage life: in another, they appeared to be on the verge of eastern decrepitude, without the imperfect compensations of the ingenious industry and refined luxury of the old nations of Asia.

The quick glance of Cæsar over Germany had been chiefly confined to the rudeness of their arts, and to the qualities which fitted them for military usefulness. About one hundred and fifty years after he passed the Rhine, when the Roman wars had penetrated to the neighbourhood of the Baltic, another great observer, — though not indeed with the simplicity of purpose and composition which gives a grace to the naked narrative of Cæsar, — has described the Germans, in a work, which, lowered as it is by a spirit of insinuation and sarcasm, nevertheless maintains its place among the most valuable remains of antiquity. In the age of Tacitus, the Germanic tribes had evidently advanced farther in the arts of life; but their independent spirit had not abated. The historian describes their generous, though disorderly, freedom, as if it was no less characteristic of the race than their fierce blue eyes, their red hair, their huge frame, better fitted for violent effort than for patient industry: — “Their kings are chosen from the nobility: their leaders are selected on account of their valour. The power of the kings is not without limits: the generals command more by example than by authority. The chiefs regulate ordinary business: great affairs are brought before the whole tribe by the king

and other chieftains, and determined by the suffrages of the whole. These assemblies take cognisance of capital crimes, electing judges for the districts, to each of whom a council of one hundred assessors is also appointed. Though almost without clothing, and living apart from towns, and though the permanent appropriation of land to individuals is unknown among them, yet they alone, among barbarians, reject polygamy. Female purity is respected: the female sex, therefore, is held in honour. By a rare example, slaves are treated with lenity; sometimes indeed killed in moments of anger, but never subjected to cruel punishment, or more cruel labour."\*

In this remarkable picture we see a people as much behind the Gauls in attainment and superficial refinement, as beyond them in that unshackled activity of mind which is the sole parent of the dignity and advancement of mankind. Their opinions were not blindly received from priests; nor was their liberty of action fettered by chiefs. Their souls were raised by taking a free part in concerns more dignified than those of individuals. That energy was awakened, which, after many ages of storm and darkness, qualified the Teutonic race to be the ruling portion of mankind, to lay the foundation of a better-ordered civilisation than that of the Eastern or of the ancient world, and finally to raise into the fellowship of these blessings the nations which they had subdued, but with which they are now indiscernibly mingled.

The monuments of history do not enable us to explain this singular contrast between neighbouring races. The Druidical system is not without oriental features. So much subserviency of one part of a nation to another, in an age so destitute of the means of influence and of the habits of obedience, is not without resemblance to that system of ancient Asia, which confined men to

\* Germania, cap. iv. vii. xi. xii. xxv.

CHAP.  
I

hereditary occupations, and consequently vested in the sacerdotal caste a power founded on the exclusive possession of knowledge. But the Egyptian and Phœnician colonists who settled in the Hellenic territory were, by some fortunate accident unknown to history, set free from those Asiatic restrictions which, having probably long subsisted as usages, had been at length sanctioned among their ancestors by law and by religion as the sole security against a relapse into total barbarism. The plough and the loom were conveyed in safety. The fetters which prevented further improvement were struck off. Some writers, chiefly Germans, who have lately used learning in a philosophical spirit, suppose that they have discovered in the constitution of society in Greece and Italy some traces of subjection to a sacerdotal and to a military caste. While the greater writers of Greece and Rome, intent on the beauties of composition, and on the memorable events of their authentic history, may have overlooked these minute and obscure traces of a system so unlike that of their own times. Acuteness and erudition seldomed paralleled have lately been employed in gathering and weaving together from illustrations of ancient laws, from passages of legendary poetry, from works on the antiquities of language, and innumerable other sources, all the fragments and allusions which can be supposed to indicate such a state of things. If these speculations had reached a maturity which would authorise history to adopt them, it might not improbably be supposed that the oriental system, with its restrictive and stationary spirit, had been imported into Gaul before the period of record, and that it had withstood the example of the more generous polity afforded by the neighbouring republics of Grecian origin.

It must not be denied that the political usages of the Germans resemble those of many other tribes in a state

of rudeness; and it may be supposed that, as the disgust of Tacitus at the dissolute manners of his countrymen prevented itself in commendations of Teutonic purity, so the picture of Germanic liberty may have owed some of its bright colouring to the indignation against Roman slavery which glowed in his republican heart. Yet we cannot survey the globe without observing ancient and indestructible peculiarities in the character of a nation, or a race, of which we are unable to discover the causes. It is at least a harmless illusion of the nations of Europe to have considered these passages as affording a probability that the love of liberty was the peculiarity of the Teutonic race, and on that account to cherish more sanguine hopes that it may be unfolded in every nation of the European family, to be one day carried by them over the whole earth.



## CHAP. II.

## BRITISH AND ROMAN PERIOD TO A. D. 500.

CHAP.  
II.  

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THE far greater part of the names of mountains, lakes, and rivers, in both the British islands, are to this day descriptive and significant only in some Celtic language. The appellations of these vast and permanent parts of nature are commonly observed to continue as unchanged as themselves. It is reasonable therefore to believe, that a people of Celtic race were the earliest inhabitants of these islands. As the Gaelic explains many more of these names than the other branch of this language, the same inference seems to show that those who used it were the prior colonists. Beyond these probabilities, our ancient history is involved in impenetrable darkness. The Phœnicians and Massilians traded in the tin of Cornwall; and from them geographers spoke of the Cassiterides, or Tin Islands; but whether the traffic was direct or indirect, we are ignorant. The variety of communications in the age of Augustus, from the Mediterranean to the Atlantic through Gaul, by means of the Rhone, the Loire, and the Garonne, for the purpose of the trade in tin, favour the supposition that it was chiefly indirect; to which the ignorance of such a writer as Strabo as to the position of the Tin Islands, which he places near the coast of Gallicia, appears likewise to be friendly. On the other hand, Festus Avienus, who constructed that part of his metrical geography which relates to the west from an acquaintance with Carthaginian authorities, places them so near their real situation, as to lead us to believe that they were known at Carthage; a notion which is, in some measure,

confirmed by journals of navigators towards the northern sea, of disputed antiquity however.

CHAP.  
II.

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The first events in the authentic history of Britain are the landing of Cæsar on its eastern shores, in the fifty-fifth year before the Christian era, and his invasion of the country in the following year. The course of his conquest of Gaul had brought him in sight of an island hitherto known only by name to Greece and Rome, and in which was even subsequently laid the scene of those fables and prodigies with which the imagination is at liberty to indulge itself in peopling unexplored lands. He was probably desirous, while gratifying himself, of dazzling the minds of the people of Rome, and of seeming to be engaged in objects of ambition remote from home, in these expeditions against a new world. They furnished him also with a pretence for prolonging his provincial command, and for keeping up an army devoted to himself till the fulness of time for the execution of his projects against liberty should arrive. On the first occasion, when he disembarked near Deal, his landing had been firmly disputed by the natives; whom, however, the effect of his discipline and arms had overawed. The deputies sent to lay their submission before him; but, having seen his numbers, and having learnt that accidents, arising from Roman ignorance of the ocean, had damaged his fleet, they determined again to renew their attack,—a levity and want of faith for which they were severely punished. The approach of winter, however, induced Cæsar to secure his return to Gaul by a ready acceptance of such submission as they proffered. In the ensuing spring, 54. he appeared on the British coast with an armament of eight hundred vessels; at the sight of which, the Britons, who had assembled in considerable force, withdrew into their forests, where they were always most formidable to their enemies. The Roman army, how-

CHAP.  
II

ever, penetrated into the country, and, passing the Thames above Kingston, entered the country of the Trinobantes, comprising the territory in which London is now situated. The advance was bravely resisted ; and it is owing by the conquerors that the regular movements and heavy armour of the Romans often unfitted them for action in a forest-campaign against the light and nimble barbarians. Cassivelaunus, one of their leaders, distinguished himself by his boldness ; but genius and science asserted their usual superiority. The British chiefs promised to pay tribute and to abstain from hostility against those of their countrymen who had abetted the Romans. Cæsar, who showed no signs of an intention to establish himself in Britain, and who probably regarded his expeditions beyond the Rhone and the Channel only as a means of flattering the Romans, and of displaying the complete reduction of Gaul, returned to the continent to restrain the contents of the Gauls, which soon after broke out into revolt. This and all the other contests in which he was engaged with the Celts and Teutons, exhibits a lively picture of a conflict between skill and experience, wielded by a systematic, but decently-disguised, lust of aggrandisement, and attended on the civilised side by that abatement of military horrors which generally suits the policy of the far-sighted conqueror, and, on the part of the savages, by headlong rashness, desperate bravery, atrocious cruelty, and a disregard of those compacts and conditions, which, however imposed by force, and intended only to smooth the way to subjection, are yet so manifestly conducive to the general benefit, that the open violation of them is condemned by civilised nations, — unless, perhaps, in those cases of dire necessity where national existence is at stake.

At the time of Cæsar's landing, the southern part of the island of Great Britain was inhabited by a multitude of tribes, of which the Romans have preserved the

names of more than forty. So great a number living in lawless independence is alone a sufficient proof of their barbarism. Far surpassing the rest in the arts and manners of civil life, colonies, probably recently from Belgic Gaul, and retaining the names of their parent tribes, had begun to introduce tillage into the maritime provinces southward of the Thames. The inhabitants of the interior appear to have been more rude and more fierce. The greater part of them raised no corn, subsisting on milk and flesh; and were clothed in the skins of the beasts which they had destroyed for food. They painted and punctured their bodies, that their aspect might be the more horrible in war. The use of carriages in warfare is a singular instance of labour and skill among such a people. Their domestic life was little above promiscuous intercourse. Societies of men, generally composed of the nearest relations, had wives in common. The issue of this intercourse were held to belong to the man (if such there should be) who formed a separate and permanent connection with the mother. Where that appropriation did not occur, no man is described as having been answerable for the care of the children. Perhaps no barbaric usage could mark a lower point on the scale of moral civilisation. The countries since called Scotland and Ireland were probably not more advanced.

The supposition of Cæsar, that Druidism took its rise among the Britons, is not easily reconcileable with their general inferiority to the Gauls. That the most secret mysteries of the Druidical priesthood were in his time chiefly taught in Britain, may be explained by the natural proneness of such superstitions to take refuge among the blindest of their votaries, and to fly from the neighbourhood of rival superstitions, and still more from the scrutiny of civilised and inquiring men. It is vain to inquire into the forms of government prevalent among a people in so low a state of culture. The

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II.  

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application of the terms which denote civilised institutions to the confused jumble of usages and traditions which gradually acquire some ascendant over savages, is a practice full of fallacy. The Britons had a government rather occasional than constant, in which various political principles prevailed by turns. The power of eloquence, of valour, of experience, sometimes of beauty, over a multitude, for a time threw them into the appearance of a democracy. When their humour led them to follow the council of their elders, the community seemed to become aristocratic. The necessities of war, and the popularity of a fortunate commander, invested him in times of peril with a sort of monarchical power, limited rather by his own prudence and the patience of his followers than by laws, or even customs. Punishment sprang from revenge: though it was sometimes inflicted to avenge the wrongs of others. It is an abuse of terms to bestow the name of a free government on such a state of society. Men, in such circumstances, lived without restraint; but they lived without security. Human nature in this state is capable of occasional flashes of the highest virtues. Men not only scorn danger and disregard privation, but even show rough sketches of ardent kindness, of faithful gratitude, of the most generous self-devotion. But the movements of their feelings are too irregular to be foreseen. Ferocious anger may, in a moment, destroy the most tender affection: savages have no virtues on which it is possible to rely.

A. D. 36.

Ninety years after the expedition of Cæsar, the Britons seemed to be threatened by Caligula, at the head of an army on the coast of Gaul. But that giddy youth, intoxicated by boundless power, and seeking only an occasion for one of his insane freaks, commanded his troops to charge the ocean, and to load themselves with shells, to serve as the ornaments of his triumph over that boisterous enemy.

About six years afterwards the adventurous and unprofitable enterprise was seriously resumed under Claudius:—a prince who combined learned research into subjects foreign to the duties of government with an abject and supine temper, even in a greater degree than more active vices, unfitting men for the exercise of authority. In the name of their imbecile monarch, two distinguished officers, Aulus Plautius and Vespasian, employed seven years in reducing the country southward of the Thames. They penetrated to St. Alban's and Colchester, then British fastnesses, soon after to be Roman towns. Ostorius Scapula extended the province to the banks of the Severn, but built a chain of forts to bridle the independent tribes. Here he encountered the Silures of South Wales, the most warlike and implacable of the Britons, led by their king Caractacus, or rather Caradoc, who by signal success, and by defeat manfully endured, was eminent among British commanders. Skilfully availing himself of an advantageous position, and exhorting his followers to remember that Cæsar himself had been driven from the British shore, he bade them preserve, by their valour, the liberty which they had inherited. They loudly vowed that neither arms nor wounds should appal them. The Roman general was astonished; but the spirit of his soldiers was roused, and they cried out that no position was impregnable to the brave. They prevailed: the brothers of the British chief surrendered; his wife and daughter were made captive. He took refuge among the powerful tribe of the Brigantes in Yorkshire; but their queen, Cartismandua, betrayed him into the hands of the enemy.

The fame of Caractacus had preceded him in Italy: the people were eager to see the man who, for so many years, had defied the empire. His family supplicated for mercy. He himself, however, addressed the emperor with a manly dignity, alike removed from meanness and

CHAP. from insolence. Claudius treated him with lenity and  
 II. respect, not unaware how much the dignity of the van-  
 quished enhances the glory of the conqueror.

59. The unconquerable Silures, however, renewed their attacks on the Romans, keeping up the animosity of their countrymen by this example. Ostorius, weary of an obscure and destructive warfare, dying, his successors were for many years confined to the defensive. Of these, Suetonius Paulinus, an ambitious officer of high reputation, but prone to the use of cruel means against barbarians, having obtained the province of Britain, resolved to destroy the sacred seat of the Druids in the island of Mona or Anglesea, considering it as the centre of British union, and the source of the spirit of resistance. After crossing the strait, he saw the declivities covered with a forest of arms and soldiers, in the midst of which were women, running to and fro like furies, with mourning apparel, and dishevelled hair, and brandishing torches in their hands: while Druids stood around with hands uplifted to heaven, breathing forth dire prayers for the destruction of the invaders. The Roman soldiers, at first awed by the spectacle, were soon ashamed of being afraid of women and priests. The Britons were consumed in the flames which they had kindled for others; and the groves were cut down, which had so long resounded with the cries of human victims.
- 61.

In the midst of this warfare, Suetonius received the alarming intelligence of a general insurrection of the subdued tribes. The immediate cause of provocation had been the injustice done to the Iceni, and the atrocious outrages offered to their queen Boadicea, who was publicly whipped, and constrained to witness the violation of her daughters. Many tribes flocked to the standard of the wronged queen. Together they destroyed the infant colony of Maldon or Colchester; and in the more flourishing colony of St. Alban's are said to have

put to death seventy thousand persons, with all the tortures which revenge could devise. Suetonius, however, soon succeeded in bringing them to a general action in open ground. In that situation he disregarded the immense superiority of their numbers. Boadicea, as she passed along the front of her army, entreated her countrymen to avenge her wrongs and those of her daughters who sat beside her in the car. But the Britons were defeated with tremendous slaughter, reported by some, as the historian informs us, to amount to eighty thousand; while the victors lost only five hundred. "The glory," says the Roman historian, "won on that day was equal to that of the most renowned victories of the ancient Romans." Boadicea poisoned herself; and Posthumus, the commander of a legion not engaged, fell on his sword, indignant at losing his share of the victory. The successors of Suetonius, however, notwithstanding this great success, relapsed into inactivity. Cerealis and Frontinus employed seven years in reducing the powerful tribes of the Silures and Brigantes.

70.

The emperor Vespasian, who had first distinguished himself by his services in Britain, soon after he had prevailed over his competitors for the empire, appointed Cnæus Julius Agricola to the government of that province, the third person of consular rank of whom it had been deemed worthy. His administration would have been as little known to us, as that of those who went before him, if he had not given his daughter in marriage to C. Cornelius Tacitus; whose life of his father-in-law is a singular instance of the power which genius, in ages where historical materials are scanty, may exercise over the allotment of fame. The character of Agricola is an excellent example of a union of capacity and vigour in war with prudence and moderation in civil life. His well-balanced mind was averse from all excess; but it was without those brilliant peculiarities in which the biographer delights. The only general

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maxim by which the historian attempts to exalt the character of his hero is, that there is a conduct, even under tyrannical reigns, equally distant from servility and from turbulence, by which an eminent man may serve his country with safety and innocence. The work ought rather to be regarded as the funeral panegyric than as the life of Agricola. The age in which Tacitus lived afforded him few opportunities of acquiring a talent for praise by its frequent exercise: his style did not easily descend to ordinary particulars; and his affection, in this case, cramped its freedom.

84. Agricola began his government by conciliating the provincials, and by reducing Mona, which, as soon as the cruel vigour of Suetonius had been withdrawn, had again recovered its independence and its influence. In the course of eight campaigns, of which the indistinctness of the outline presented to us by Tacitus may be ascribed both to the generality of that writer's language and to the limits of his information, Agricola carried the Roman arms through the north-western counties of England into Scotland, where he joined by fortified posts the friths of Forth and Clyde, intending them probably for a frontier. Further north, having made an important accession to geography by the circumnavigation of the island, he at length found an army of mountaineers, augmented by fugitives from the plains, assembled under a chief, whose name, adapted to Latin analogy, he calls Galgacus, at the foot of the north-eastern part of the Grampian mountains, which, after an obstinate battle, he defeated and dispersed, with the carnage incident to the pursuit of a disorderly multitude. The Roman fleet returned from its voyage of discovery to the ordinary station in the isle of Thanet; Agricola himself established his winter-quarters on the level district lying to the northward of that natural frontier of a civilised empire, which was formed by the two friths.

But in the reign of Domitian it was difficult for the

most prudent general to be long successful with safety. On his return to Rome, all the arts by which he shunned celebrity proved insufficient to lull the jealousy of the tyrant, by whose direction it seems not obscurely intimated by Tacitus that Agricola was poisoned.

The Roman dominion reached, under Agricola, its utmost permanent extent in Britain. The natives were driven into the rugged and barren region beyond the Grampians. We know, though chiefly by the evidence of medals, that the mountaineers had broken into the Roman province, and were driven back into their fastnesses by the vigorous arm of Hadrian, who repaired the frontier fortifications of Agricola, erecting a second wall, from the Solway Frith to the mouth of the Tyne, of which the remains still subsist. Under Antoninus, the same species of fortification was constructed on the frontier of the more northern friths. The privileges of a Latin town were bestowed on a station called the "Winged Camp," either at Inverness, or on a promontory about twenty miles east of it, perhaps vainly intended as a badge of the permanent establishment of the new province.

The slow progress of the Romans in the reduction of Britain is a fact which has not been sufficiently considered by historians. It forms a remarkable deviation from the ancient policy of that people, and indeed a striking contrast to their conquest of Gaul, though their last great acquisition in the West, and defended by a people as brave as the Britons, also more improved, and far more numerous. It is an instance of the sudden change produced in their foreign policy by a revolution in their internal government. The patriciate steadily advanced to universal dominion by adherence to the traditional policy of their body. The measures of each emperor fluctuated with his temper and his personal circumstances. The general policy was that of Augustus, who disapproved a greater extension of an empire, already

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possessed of natural frontiers, and beginning to acquire a species of moral unity; the Macedonian conquests having established the arts and language of Greece in Western Asia, and the Roman victories themselves having carried the same refinements throughout the European provinces. Beyond the frontiers, were either utter barbarism, or the civilisation of another world. The foundation of the imperial power had been laid in military usurpation; and the example was too recent not to affect the spirit of the administration. Domitian was jealous of Agricola, as a living reproach to his own baseness. Wise and good emperors, desirous of securing a civil and legal government, reasonably avoided conquests, as a mere temptation to victorious commanders to overthrow their own work. The prizes of ambition had become more splendid at home than abroad; and the Roman dominions were too vast to be embraced as a native country with affection and pride by even the most capacious soul. Under a prince of ability and energy, like Trajan, there was a possibility that the ancient patriotic spirit might be rekindled; but, generally speaking, the foreign wars of the empire took their rise from inevitable collisions between the commanders on the frontier and the yet unconquered barbarians. Agricola considered the complete reduction of Caledonia, and even the conquest of Ireland, as the best means of securing the southern province; but the ordinary policy of Rome was to confine the barbarians within their mountains. The fickleness, rashness, and rapacity of the mountaineers, however, seldom failed to supply a Roman general, ambitious of distinguishing himself, with specious pretexts for hostilities, which might drag the empire into war. No instructions from Rome could be so pacific as to exclude a recourse to arms in self-defence; and the attacks of the barbarians were perhaps generally within the letter of such an exception, though probably often at variance with its

spirit. It was easy to hide and disfigure facts in the relation of contests with a remote and unlettered enemy. The administration of Britain, therefore, depended on the character of the commander; and there seems no reason to wonder that the progress of conquests, attended by no gain and little glory, should be slow and fluctuating.

For the two centuries which followed, Britain was a Roman province; but its insular situation so often tempted its commander to assume the purple, that it was called "an island fertile in usurpers." Roman civilisation had extended to it in a less degree than to Spain and Gaul. The writers of the latter province were respectable; those of the former the most famous of their age. Roman Britain did not produce a single literary name. To what extent the prevalent use of Latin might have paved the way for that singular disappearance of the ancient language of Britain in the larger and more fertile portion of the island, which was completed under the Saxons, is a subject on which there are no memorials extant which will warrant us to hazard a conjecture. The Roman remains seem rather to indicate the luxury of the military stations of that people than any desire to adorn their province by civil architecture. The convenience and magnificence of their roads had a military purpose.

The Roman conquest, combined with the Saxon invasion, forms a civil chasm between the primitive inhabitants of the island and their modern successors. The infusion of the British element in the English language appears to be scanty. Our institutions are chiefly attributable to the Saxons: few of our offices, and not very many names of divisions of the country or of towns, can be traced farther. The only tie of national identity between the Britons and the modern English consists in the unaltered names of the grander masses of earth and water.

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Of the introduction of Christianity into Britain the exact period is unknown. From our more accurate information respecting its diffusion in Gaul, it may be reasonably supposed to have reached the neighbouring island very early. About the end of the second century, we find Tertullian boasting that the Gospel had subdued tribes which were yet unconquered by the Romans. Two centuries after, theological controversy became so prevalent, that Pelagius, a Welshman, and Celestius, a Scotchman, agitated all Christendom by their heresy (that is, their difference from the majority of Christians) on Original Sin and Free Will.

The Government was by a prefect, who exercised civil and military power under the control only of a questor, whose peculiar department was finance. It was divided into six provinces: 1. Britain to the south of the Severn and the Thames; 2. Britain containing Wales and the adjoining districts along the Severn; 3. Flavia Cæsariensis, extending from the two former provinces to the German Ocean, the Humber, and the Don; 4. Maxima Cæsariensis, between the Humber, the Tyne, and the Eden; 5. Valencia, stretching from the Tyne to the Clyde and the Forth; 6. Vespasiana, the country beyond the friths of these last-mentioned rivers, a short and almost nominal conquest.

One part of the Roman institutions had permanent consequences, of which we taste the fruits at this day. This was their care in providing for the government and privileges of towns. Thirty-three towns, or rather townships, were established, from Winchester to Inverness, with various constitutions and different degrees of dignity, which it does not belong to our present purpose to discriminate. The choice of the decurions and senators, out of whom magistrates were taken, was left to the inhabitants. To these magistrates belonged the care of public worship, of municipal property, and of local police, together with some judicial powers; though

such of the inhabitants as had received the privileges of Roman citizens could exercise their political rights only within the walls of Rome, — the last remaining dignity which seems to have distinguished the conquering city from the world which it had enslaved.\* Whatever may have been some of the consequences attributable to the condition of these subordinate republics, it cannot be doubted that the remembrance and the remains of them contributed to the formation or preservation of those elective governments in towns which were the foundations of liberty among modern nations.

The same general decay, which in the fourth century exposed the northern frontier of the Roman empire to invasion at every point, in the same disastrous period tempted the Caledonians to make desolating inroads into the province of Britain. For a time it was defended by Theodosius, the father of the celebrated emperor. But in the progressive decline of the empire, the Roman troops were gradually withdrawn from this island, for the more urgent object of protecting the seat of dominion. About the middle of the fifth century, Britain was abandoned to her fate, and left to maintain, if she could, a precarious and disturbed independence. The emperor formally apprised the cities or townships that he absolved them from their allegiance, being no longer able to afford them protection. These corporations, and the military chiefs who led their troops, probably formed the only shadow of government remaining in the half century of confusion and darkness which ensued.

367.

The British youth, who had been trained in the Roman army, had more than once driven back the bar-

\* Savigny, Hist. Rom. Law; and Guizot, *Essais sur l'Histoire de France, Du Régime Municipal*. This last most learned and ingenious author supposes that the responsibility of the decurions for every default in

the municipal revenue, enforced as it was with intolerable extortion, impoverished, and at last ruined the middle classes of the provincials, and thereby destroyed one of the bulwarks of the empire.

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barous tribes of their frontier ; but after a vain appeal to Ætius, who for a moment propped the falling empire, the states of Britain were led to employ in their defence auxiliaries who became in the end more formidable than the enemies against whom they had been called in to combat.\* These mercenaries, who gradually rose to be conquerors, were chiefly Saxons, but with these were mingled Angles, Jutes, and Frisians. It is remarkable, that two of the most celebrated of the Germanic nations, which overthrew the empire of the West, the Franks and the Saxons, are unnoticed, at least under these appellations, in the descriptions of Tacitus. They were probably confederacies against the Roman power, formed and named subsequently to his age. The Franks inhabited the right bank of the Rhine, from the Maine to the sea: the Saxons had their chief seat on the Elbe. The Allemanni, another confederacy, who have left no lasting monument but their name, occupied the German side of the Upper Rhine.

The progress of conquest on the Continent was rapid. Many of the border tribes had learned military discipline in the Roman service: even the arts of civil life had made some progress among them. Their chiefs were pleased with the distinctions and titles of Roman officers. Men of barbaric race fought their way to the throne of Marcus Aurelius. They understood so accurately the qualities in which they were inferior to the vanquished, as soon after their establishment to entrust to Roman lawyers the task of preparing codes of law for them. They were thus prepared to give a favourable reception to the religion of the latter, which they soon embraced under some or other of its forms, while the difference between them and the Roman provincials was gradually narrowed. Their neighbourhood afforded every natural facility for invasion, and their familiar acquaintance with the country lessened its

\* Saxon Chronicle, Ingram's translation, pp. 13—15.

military dangers. It is probable that many of the inhabitants of Gaul, seeing the northern chiefs advancing, with Roman names of office, considered the revolution as neither considerable nor mischievous. Experience alone was to teach them the nature of barbarian conquest.

The British islands were in a very different situation: they could only be invaded by sea. The number of invaders which could be transported in the small and rude vessels of that age was very limited. But the Saxons, as a piratical people, and remote from the Roman frontier, were difficult to check; which had obliged the Romans long before to establish an officer especially appointed to this service, under the name of Count of the Saxon Shire. Their barbarous religion sharpened their ferocity in conflicts with Christians. Their history, and that of the Scandinavians, illustrates, on a large scale, the usual cruelty of pirates, who frequently owe their success to the sudden terror spread by fire and sword, and whose scanty means of conveyance and custody often seems to compel them to destroy their prisoners. They attack with less strength, and their warfare provokes a more desperate resistance. To this cause is to be attributed, in a great measure, the slow progress of the Saxon arms in Britain.

Not long before the evacuation of Britain, Maximus, who assumed the imperial authority in that province, and ruled for several years over Gaul and Spain, is said to have established Conan, a British officer, with regal authority in the peninsula between the Seine and the Loire, then called "Armorica." It is related that many British soldiers in the army of Maximus had settled in that country, under the protection of Conan. The name of Brittany, and the singular resemblance of the language and manners of the inhabitants to those of the insular Britons, which have been by some imputed to this military settlement, are ascribed by others to the number of emigrants who took refuge in Armorica from



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the horrors of Saxon invasion. But though these events may have drawn more closely the ties of common descent, it is not probable that they would have produced such lasting effects, if the two nations had not originally agreed in race and language. From a cursory remark by Zosimus, it seems that at the moment of the evacuation of Britain, the Britons on both sides of the Channel took up arms to maintain their liberty.

The connection thenceforward subsisting between Wales and Brittany contributed to introduce the legendary history of the Britons into a conspicuous station in the heroic fables of Europe. Arthur, who in the sixth century appears to have ruled over the Britons of Cornwall, making a brave and often successful struggle against the invaders, became in process of time one of the darling heroes of those fictions in prose and verse which, under the name of romances, produced the first materials of original poetry among modern nations. His fame was communicated to the Carlovingian empire by the Armoricans. It was in a subsequent age more widely spread by the Norman minstrels, who exulted in the renown of the chief of their adopted country. They seem first to have engrafted his name on those tales of Trojan descent in which the Western provincials had claimed a share of the fabulous pedigree of their conquerors, and which the most enlightened nations of Europe continued to tolerate till the seventeenth century. The glory of one of the last champions of Christendom against ferocious Pagans, was alluring to ingenious fablers. The absence of authentic particulars set free their fancy; actions seen in so dim a twilight put on the size and shape which best pleased the poet; and the wonders of mythology, always gradually withdrawing before the advance of civilisation, found a natural and last retreat in the most remote regions of western Europe. To these circumstances, or to some of them, it is probably to be ascribed, that in the course of a few centuries a

Cornish or Welsh chieftain came to share the popularity of Charlemagne himself. The historical name of the great ruler of the Franks has, perhaps, borrowed a brighter lustre from the heroic legends with which it was long surrounded. In this country, on the contrary, a disposition has been shown to take revenge on the memory of Arthur for the credulity of our forefathers, by ungratefully and unreasonably calling into question his existence.

It must be owned, indeed, that the traditions of our heroic age have not the same historical value as those of some other nations. The fables of Greece, for example, besides their singular beauty, have the merit of being the native produce of the soil. As pictures of manners and indications of character, they are, therefore, true to nature. They may occasionally approach the inferior truth of time and place, of names and particulars, by a faint and rude outline of real occurrences. But the mythological writers of the middle age were either monks, whose scanty learning was confined to foreign languages and events, or minstrels altogether unlettered, who adopted the legends of their monastic teachers. Hence it is, that, instead of explaining, we have been compelled to cut off the commencement of all the monkish or traditional history of modern nations. But it is altogether unreasonable to doubt the general fact of the existence of a chief, to whom British tradition has uniformly assigned the highest part in the long and memorable stand against the Saxons. That tradition relates to a domestic fact, and may be traced to no excessive distance from the time to which it refers. If genius could have saved our mythic history from the mortality incident to foreign legends, and from the more scrutinising criticism of modern ages, the heroic history of England might have spread as far, and lasted as long, as that of Greece. All our greatest poets have been led by the instinct of their genius to consider it as their proper mine. Shakspeare

CHAP. has borrowed from it the outline of a tragedy, which is perhaps, more affecting than any other work of that most fertile and various of poets. Arthur, as the representative of a glorious defence of our native country, has more peculiarly attracted men of genius. The soft and beautiful fancy of Spenser touched on these themes before the events ceased to inspire the interest which depends on general belief. English poets, feeling their native soil to be a nearer tie than that which attached them to remote and unknown ancestors, did not inquire whether they were not themselves the progeny of those Saxons against whom they took a part. Milton himself had in his youth meditated an epic poem on the national and patriotic exploits of Arthur. Dryden had also chosen him as his hero. There was much in the theme to kindle all the fire of his genius; but there was also danger that the sympathy with success, and the dazzling influence of triumphant heroism, which have vitiated the morality of other great poets, might, in the progress of the work, have estranged the heart of Dryden from the unfortunate champion of his country. Pope did not prove his vocation for heroic poetry, by choosing as the subject of his projected poem the expedition of the imaginary Brutus; thus turning the ancient legends of his own country into an appendage to worn-out tales of classical antiquity, when no kindred race remained to triumph in the victory, or to commiserate the vanquished.

## CHAP. III.

## ANGLO-SAXON PERIOD.

THE British islands seem intended to be the seat of maritime power. Their coasts are much more extensive, in proportion to their inland territory, than those of any other great and civilised nation. Their position on the globe stretching almost to the northern verge of that portion of it where the sea is open to navigation throughout the year, is peculiarly fitted to render their numerous mariners hardy, daring, and skilful. Had it been more southerly, these qualities would have been incompletely exercised: had it been farther north, some part of the year, now serving to train their seafaring population, would have been lost for that purpose. Their soil and climate neither withdraws nor refuses produce exchangeable by commerce for that of other countries. Their advanced position, as it were in the front of Europe, favours a disposition towards adventurous voyages and colonial establishments; in which, after a fortunate exclusion from the neighbouring continent, the genius and ambition of the people have found a vent with lasting, grand, and happy consequences to mankind. Popular government gives dignity to commerce. It promotes navigation, one of the occupations of the lower and middle classes, and is disposed to encourage the only species of military force which cannot be made the instrument of its own overthrow. Nor is it unreasonable to add, that the settlement of so many pirates in England, natives of every country from the Elbe, perhaps from the Rhine, to the North Cape, between the sixth and tenth centuries, may have contributed to beget those nautical propensities which form so conspicuous a part of the English character.

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The general movement of the pastoral or unsettled tribes, which roamed over the north, against the tillers of land and dwellers in towns who peopled the Roman empire, originated in the migration of the Huns, a Calmuck people, from their ancient seats in central Asia, and subsequently on the northern shores of the Euxine. Of this host of martial shepherds, the pressure easily set in motion the great mass of Germanic tribes, whose imperfect culture and appropriation of the soil had not as yet bound them to any permanent residence.

The first Germanic people which yielded to the impulse were the Goths, who claimed a Scandinavian origin, but whom history can clearly trace only to the countries between the Danube, the Vistula, and the Euxine. In the beginning of the fifth century, the Visigoths, or Western-Goths, broke into Italy and reduced Rome, but soon after turning their arms to Gaul and Spain, founded a powerful monarchy, extending from the Loire to Gibraltar. They were expelled, however, about a century after, from their possessions in France, with the exception of Languedoc, by Clovis, at the head of the Franks, who, in the latter years of the fifth century, had established himself in the north-western part of that country, and whose successors, by the reduction of the Burgundians, a Vandalic people, who had conquered the north-eastern portion, once more united as a whole the greater part of Gaul. The Visigoths, after their expulsion from the south of France, preserved their authority over Spain, till their total defeat by the Moors. The Vandals, a people originally settled between the Oder and the Vistula, forced their way through Gaul and Spain into Africa, where their power continued for a century, till overthrown by Belisarius. The Ostrogoths, or Eastern-Goths, having acquired the sovereignty of Italy, under Theodoric, retained it, till it also was recovered by the generals of Justinian.

It has already been remarked, that the invasion of

Britain was made by sea, and that its slow progress was owing to that peculiarity. The early contests of the Saxons with the Britons appear to have been confined to Kent. Fifty years had elapsed before two petty principalities were established by the invaders, the one by the Jutes in Kent, the other by the South-Saxons, on the borders of Sussex. It was not till fourscore years after their first disembarkation, that Cerdic, at the head of the West-Saxons, made a lasting impression on the Western-Britons in a series of battles, in which the valiant Arthur was probably his opponent. And it was considerably more than a century, before the country from the Humber to the Tweed, and probably onwards to the Frith of Forth, was reduced by the Angles under two principalities, known in our history by the Latinised names of Deira and Bernicia, of which the union at a later period formed the kingdom of Northumberland.

Even after the establishment of the Angles in Mercia, comprising the central part of England, the whole western portion of the island continued to be held by the Celtic race. Cornwall, North and South Wales, Cumberland, and Strathclyde, were still retained by the Kymbric, or Cambrian Britons. Eight Saxon principalities occupied the rest of England; which, from the union of the two Northumbrian principalities, came to be considered as seven. From this circumstance, as well as from some loose alliance among them, the period of these governments has been called by our writers "the Heptarchy." In the wilds of Caledonia, there were, at least, two independent tribes, the Scots, beyond all doubt of the same race as the Irish, and the Picts, of disputed origin, but in regard to whom the early and universal prevalence of a Teutonic language in the north-eastern plains of Scotland seems to render it probable, that they were Teutons, either of the Germanic or the Scandinavian branch. It will not

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CHAP. be wondered at that every thing relating to this last  
 III. tribe should be involved in thick darkness, to those who  
 453 consider that they ceased to be a nation, and became, by  
 TO conquest or succession, subjects of the Scottish princes  
 1066. in the early part of the ninth century, a time when no  
 } thing is known of the internal revolutions of Caledonia.  
 842.

The island of Great Britain was thus, about the year 700, divided among fifteen petty chiefs, waging fierce and almost incessant war against one another. The ties of race were gradually loosened: the German invaders spilt their kindred blood as freely as that of the native Britons. Of a period so uncivilised the events scarcely deserve to be known, and there are few means of ascertaining them. A uniform succession of acts of treachery and cruelty ceases to interest human feelings. Not only compassion but indignation is worn out; and, as the sufferer would be a tyrant if he could, it becomes difficult either to pity him, or to blame the oppressor in the degree that, in better times, nature would dictate, and morality require. There are crimes enough in the happiest ages of the world to exercise historical justice: and it can scarcely be regretted that our scanty information respecting the earliest period of Saxon rule should leave it as dark as it is dismal.

596. Christianity brought with it some mitigation. The arrival of Augustine in Kent, with forty other missionaries, sent by Gregory the Great, is described in picturesque and affecting language by Bede, the venerable historian of the Anglo-Saxon church. It cannot be doubted that the spectacles of men, exposing themselves to a cruel death for the sake of teaching truth and inspiring benevolence, could not have been without effect even among the most ruthless barbarians. Liberty of preaching, the only boon for which they prayed. Ethelbert, king of Kent, who had married a French princess who was a convert to Christianity, freely bestowed upon them. They found both the Christian

religion and the British language extinct where the Saxons had taken possession; a tremendous proof of the ferocity of the warfare which had been raging for a hundred and fifty years.

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With the clergy of the British principalities, however, they were speedily engaged in a controversy about the time of keeping the great festival of Easter, wherein the British differed from the Western Church and the see of Rome. Despairing of healing the schism by reason, we are told by Bede, that Augustine proposed to leave it to the determination of God, agreeing that the party which should perform a miraculous cure should be considered as having received the sanction of heaven. Augustine cured a blind man, but without the immediate removal of ancient prejudice. Many such miracles, however, are related, to which happier consequences are ascribed; nor ought the veracity of the narrators to be undistinguishingly assailed, when it is considered that they lived at a time when the belief in miraculous powers was universal. A man of good understanding might easily attribute to his own prayers, or still more to those of persons whom he valued more than himself, recoveries which immediately followed them. As the miraculous facts are seldom related by professed eye-witnesses, many of those narratives may be accounted for by the insensible progress of exaggeration, without either assenting to the miracle, or disputing the honesty of the historian. A just conviction, moreover, of the excellence of the cause in which they were engaged would dispose them the more readily to believe that Providence had interposed in its favour. One of the greatest men of the eighteenth century \* has intimated his opinion that such interposition might actually have occurred. Whoever ascribes the order of nature to a Supreme Mind must, indeed, believe it to be possible for that Mind to suspend or alter the course of events.

\* Burke.



CHAP. But there is probably no miracle of the middle age re-  
 III. quiring any other confutation than the simple statement  
 of the imperfection and inadequacy of the testimony  
 450 produced in its support.  
 TO  
 1066.

602.

No form of Christianity was likely to have refrained from sanctioning a doctrine so agreeable to general feeling in a zealous and ignorant age, as the continuance of miraculous powers. The doctrine does not appear to have any necessary connection with the properly theological tenets of the church of Rome. Many Protestants were, some perhaps still are, favourable to it. Probably no Protestant establishment has ever expressly renounced it. It was the peculiar misfortune of the Roman Catholic church, that, however disposed some of its most distinguished members might have been to suffer such claims to slumber and die out, their precise and rigid definitions of the infallibility of their church have placed the character of their religion too much at the mercy of every ignorant, credulous, or fraudulent catholic, seeking to persuade himself, or others, that he possesses those powers which the universal church cannot strongly condemn without renouncing high pretensions which she once unfortunately sanctioned.

One Saxon state appears to have generally aimed at, or attained, an undefined ascendancy over the others. Though the authority thus exercised was necessarily fluctuating and irregular, yet the holder for the time being had a distinctive appellation in the Anglo-Saxon language. He was called, as by an official title, Bretwalda, or wielder of the Britons, for so they soon learned to style themselves. Seven chiefs had filled this station during three hundred years:—a king of the South-Saxons, one of the West-Saxons, one of Kent, one of the East-Angles, together with three successive kings of Northumberland. Things were evidently tending towards a regular and hereditary magistracy, but in whose hands to be vested, the power of arms, which had

transferred it from province to province, was now finally to determine.

In the beginning of the ninth century, Egbert, king of Wessex, who had long lived at the court of Charlemagne, acquired great authority over his co-potentates, though contented with the title of king of Wessex, and the dignity and influence of Bretwalda. He was the lineal descendant of Cerdic, founder of the kingdom of Wessex, the most noble and powerful of the Saxon chiefs, the legendary descent of whose family from Odin, the deified hero of the North, ranked him among the progeny of the gods. It was his fortune to become the common ancestor of all the dynasties which have since filled the throne of England. This eminent place in history, or genealogy, has given more of the appearance of a revolution to his accession than in reality belongs to it. The chief alteration consisted in confining the supremacy to the royal line of Cerdic. As there had been a series of Bretwaldas for centuries before his time, so there continued to be subordinate kings till long after. The disobedience of the latter, indeed, was gradually more and more considered as rebellion by the kings of Wessex ; but by their own partisans it was still regarded as a continuation of the ancient struggle for superiority, in which neither party was inferior in point of right. Having reduced Essex, Kent, Surrey, and Sussex, aided the East-Angles of Norfolk in transferring their allegiance from the Mercians to himself, and in four years more subdued Mercia itself, his authority as Bretwalda was acknowledged in all the provinces southward of the Humber. To the Northumbrians, however, he seems to have granted milder terms of dependence. Mercia continued obedient for a very short period, and the Welsh afforded constant exercise to his arms. At his death he weakened the power of his successor, and lessened the influence of the Bretwalda, by bequeathing all his dominions, except Wessex, to a younger son.

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No sooner had Egbert made some approaches towards regular government, than a new and fiercer race of piratical barbarians, unsoftened by Christianity, after a pause of two centuries, appeared again in England, which they continued to ravage for nearly two centuries more. They were Scandinavians, known in France under the name of Normans, and in England by that of Danes. They had scarcely any natural inducement to spare countries which they visited only to plunder, and on which they did not hope to dwell. Having neither kindred, family, or home, they were liable to no retaliation. They were, perhaps, the only barbarians who applied their highest title of magistracy to denote leaders of piratical squadrons, calling them "Vikings," or Sea Kings. Not contented with their native and habitual ferocity, some of them, called "Berserker," sought to surpass their comrades by working themselves into horrible and temporary insanity. Among these men, tears, regarded by all others as a badge of humanity, were foresworn as a disgrace. In their first incursions they are mentioned by the Saxon chroniclers under the general name of "Heathens," — a description which, probably, conveyed the deep horror of the former more faithfully than any other. Scorned by the men of the North as unnatural and cowardly apostates, it was natural that the Saxons, still actuated by the zeal of recent converts, should regard the paganism of their plunderers with peculiar horror. The rich monasteries in which treasure was accumulated became their most attractive objects of plunder; and the convents were the scene of those unspeakable indignities which may be expected to flow from the excitement of all evil passions in ferocious savages. During the government of Ethelwolf, the son of Egbert, and of two of Ethelwolf's sons, English history is little more than an account of their atrocities. The next reign opened inauspiciously; but its extraordinary character requires

that it should be separated from the obscure barbarism which preceded and followed it.

Alfred, the greatest of princes, the third son of Ethelwolf by a noble Saxon lady, Osberga, was born at Wantage in Berkshire, in 849, and succeeded his elder brother in 871. In the fifth year of his age, he was sent with an embassy to Rome, for what reason is unknown. A few years after Ethelwolf carried him on a pilgrimage to the same city. On his return he visited Paris, where his father married Judith, daughter of Charles the Bald. Of all the practices which have been abused for superstitious purposes, none perhaps is more deserving of indulgence than pilgrimage, whether we consider it as flowing from affectionate remembrance of the wise and good, or as tending to open and enlarge the mind by intercourse with many, and frequently more civilised nations. The religious journeys of the Western pilgrims to Rome were in both respects to be honoured. These pilgrimages, and the society of his step-mother Judith, probably contributed to unfold his natural character, as the banishment of Egbert to the court of Charlemagne had contributed to raise that monarch above his competitors. Of Alfred's boyhood some scenes are preserved by his artless biographer, Asser, a monk of St. David's, which interest us more than the contemporary conquest of Europe would have done. Though he had reached the age of twelve before he had acquired an art then so rare as that of reading, he was delighted with listening to the Anglo-Saxon songs. Holding in her hand one day a volume of these poems, in which the beautiful characters pleased her husband's children, Judith said to them, "I will give this to the one among you who first learns to read it." — "Will you?" eagerly inquired Alfred, though the youngest. "Yes," said she, with a smile of pleasure. Suddenly snatching the volume out of her hands, and running to a school-master, he in no long time read, or recited it, to

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her. But his great soul was roused by the love of letters, not unmanned by it. He served with distinction in the numerous bloody battles fought between his brother and the men of the north.

Alfred's accession fell on the most troublous times. Only five years before, Rollo had established his followers under a sort of civil government in a part of Neustria. Alfred was chosen in preference to his nephews on account of a warlike spirit, which, however the moralist may blame its excess, was undoubtedly suited to the moment. In the early years of his reign, Mercia and Northumberland, which obeyed him mediately and imperfectly, being ill defended by their respective chiefs, were overrun and nearly laid waste by the invaders, who were thus enabled to turn their whole force against Wessex. Though compelled to make two disadvantageous treaties, with men by whom no treaty was regarded, he persevered in making a stand against his innumerable enemies. Wave after wave incessantly lashed the British shore. Armies traversed the country from Thames to Tweed, abiding in one place only till they had consumed its entire resources. The Northumbrians, says the ancient chronicler\*, "became their harrowers and ploughers." The spirit of the West-Saxons was at last worn out. The Danes, breaking through the line of defence at Chippenham, overran the whole country, driving many into exile beyond sea, and subduing the rest to their will. "All," says the same chronicler, "but Alfred the king." He, unconquered, taking a few noble Saxons, established himself in the centre of a morass, surrounded by bogs and forests, in a spot still called the Isle of Athelney, or "Isle of the Nobles," where he remained for a time, seemingly forgotten, as well as deserted. Here he experienced one of those sudden and total eclipses of fortune which

\* Sax. Chron., A. D. 876.

bestow a poetical lustre on heroism, putting genius to the test by reducing it to its own resources. Though he is said to have been obliged so to disguise himself as to have been roughly reproved by the wife of a cowherd for neglect in toasting her cakes, he began even in this low condition of his fortunes to revive the spirit of his followers; striking blows at small parties of the enemy, who, ignorant of his existence, looked at them as if they had fallen from an invisible hand. He is even said to have visited the Danish camp in the disguise of a harper, remaining in it three days, examining its approaches and disposition, and ascertaining the inattention and disorder of which the impunity of his own visit afforded a sufficient proof.

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Alfred was not long in issuing from his fastness. He was received by his oppressed people with enthusiasm, increased by the mystery of his retreat and return. They flocked to his standard in such numbers as to enable him to take the enemy by surprise, to whom he made his existence known by a successful attack on the borders of Selwood, compelling Guthrun, the Danish chief, to evacuate the territory of Wessex, and to receive from him as conqueror, the country to the north of the Thames, and to the east of the Lea and Watling Street, as far as the Ouse, together with a part of depopulated Northumberland. This last grant, in which the supremacy of Wessex seems to have been acknowledged, may be considered as an attempt to cure, by agricultural settlement, the plundering habits of the roving pirates: nor does it appear to have been altogether unsuccessful. The chief condition of the treaty was the submission of Guthrun to baptism, a concession at least humbling to the pagan chief, and destroying the cement binding him to Scandinavia; in both respects impairing his strength and contracting his resources.

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During the remainder of Alfred's reign, the Anglo-Saxons were rather disturbed and vexed, than endan-

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gered, by the Danish power. For fifteen years after his restoration, England enjoyed universal repose. In the latter part of his reign, however, he experienced new and formidable hostilities from an invasion conducted by Hastings, the most renowned of the piratical heroes; which afforded scope for the virtues, as well as the abilities of Alfred. He set free the wife and sons of that famous freebooter, who had been taken prisoners. "He caused vessels to be built twice as long as those of the enemy, both steadier and swifter, as well as loftier, not formed after the Frankish, or Frisian model, but as he himself thought they might be most serviceable."\* For his cultivation of the ornamental arts did not blind him to the dignity of the useful ones. He devised means for measuring time in order to improve it; and was on this occasion the first improver of ship-building, and the founder of a naval force in England.

He continued to compose Anglo-Saxon poetry throughout the whole of his busy life. His taste for literature grew up in a state of gross and general ignorance. "When I took the kingdom," says he, "very few on this side of the Humber, very few beyond, and not one that I recollect south of the Thames, understood the Latin service, or could translate a letter from that language into English."† To remedy this evil Alfred brought together such scholars as the time afforded, among whom his biographer, Asser, was conspicuous. Envyng their knowledge of Latin he, in his thirty-eighth year, acquired that language sufficiently to translate Bede, the only book of Saxon history then extant; Orosius, to whose text he added information of his own respecting Germany and the North; and Boethius, whose representations of the natural equality of men, and invectives against tyrants, he, with at least as generous a spirit as his author, rendered into Anglo-Saxon verse. Education he en-

\* Sax. Chron., A. D. 897.

† Gregory, Preface to "Pastoral Care." Asser, p. 81.

forced, by refusing to promote the uneducated ; and, at an advanced period of his reign, he who was called by his biographer "the Truth-teller," thanked God that those who sat in the chair of the instructor were then capable of teaching.

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In any age or country such a prince as this would be a prodigy. Perhaps there is no other example of a man so happily combining the magnanimous with the mild virtues, joining so much energy in war with so remarkable a cultivation of the useful and beautiful arts of peace, and whose versatile faculties were so happily inserted in their due place and measure, as to support and secure each other, giving strength and solidity to the whole character. That such a miracle should have occurred in a barbarous age and nation ; that study should have been thus pursued in the midst of foreign and domestic wars, by a monarch suffering almost incessantly from painful maladies ; and that all this should have so little encroached on his due performance of the duties of government as to have left him for ages the popular model of exact and watchful justice, are facts so extraordinary, that they may well excuse those who have suspected that there is some exaggeration and suppression in the narrative. But Asser writes with the simplicity of an honest eye-witness. The Saxon Chronicle is a dry and undesigning compend. The Norman historians, who seem to have had his diaries and notebooks in their hands, choose him as the glory of the land which had become their own. There is no subject on which unanimous tradition is so near being sufficient evidence, as on the eminence of one man over others of the same condition. The bright image may long be held up before the national mind. However paradoxical the assertion may appear, this tradition is, in the case of Alfred, rather supported than weakened by the fictions which have sprung from it. Though it is an infirmity of almost all nations to ascribe their institu-



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tions to the contrivance of one man, rather than to the slow action of time and circumstances, yet the selection of Alfred by the English people as the founder of all that is dear to them, is surely the strongest proof of the deep impression left of his transcendent wisdom and virtue. The institution of juries, the division of the island into counties and hundreds, the device of frankpledge, the formation of the common, or customary law itself, could have been attributed to him by nothing less than deep and universal reverence. How singular must have been that administration, of which the remembrance so long procured for him the character of a lawgiver, when his few and general enactments so little entitle him to that character.

Had a stronger light been shed on his time, we should have undoubtedly discovered in him some of those characteristic peculiarities, which, though always defects, and generally faults when they are not vices, yet belong to every human being, distinguishing him from his fellow-men. The disadvantage of being known to posterity by general commendation, instead of discriminating description, is common to Alfred and Marcus Aurelius. The character of both these ornaments of their station and their species seems about to melt into abstraction, and to be, not so much portraits of living men, as models of ideal perfection. Both furnish a useful example that study does not disqualify for administration in peace, or vigour in war, and that scrupulous virtue may be combined with vigorous policy. The lot of Alfred forbade him to rival the accomplishments of the imperial sage. But he was pious without superstition; his humbler knowledge was imparted with more simplicity; his virtue was more natural: he had the glory to be the deliverer, as well as the father of his country; and he escaped the unhappiness of suffering his authority to be employed in religious persecution.

Alfred died on the twenty-sixth of October, in the

fifty-third year of his age, and the thirtieth year of his reign.

The period of a century and a half which elapsed between the death of Alfred and the permanent establishment of a foreign family on the throne of the Anglo-Saxons, is occupied by the reigns of fourteen kings, of whom ten were of the royal family of Wessex, and of the posterity of Alfred : three were Scandinavians, who, during thirty years, mastered their Saxon neighbours : and one was a powerful lord who paved the way for the Norman invader by the assumption of the crown without descent from Cerdic, or the fabulous pedigree from Odin. There are few events in this period which can be particularly related in so brief a narrative as this. It was distinguished, however, by some remarkable transactions, of which, as they were productive of lasting and grave consequences, a summary statement is necessary. These are, principally, the rise and progress of the ecclesiastical power in spite of divisions among the clergy ; the efforts of the Scandinavians, who had colonised the northern and eastern counties, to wrest the remaining ones from the house of Wessex ; and the gradual connection and intercourse with Normandy, silently preparing the Saxons for the change of dynasty that ensued. As this revolution in the reigning family was followed by extensive mutations in laws, language, property and manners, it will be proper to close this period by a short account of what may be asserted with probability on the dark and disputed subject of Anglo-Saxon government and society.

The only institution of the civilised Romans, which was transmitted almost entire into the hands of the barbarians, was the Christian church. However imperfect conversion of the latter might be, it was still sufficient to guard this venerable establishment from overthrow. The bishops succeeded to much of the local power of the Roman magistrates. The inferior

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CHAP. clergy became the teachers of their conquerors, being  
 III. the only educated men in Europe. The episcopal  
 450 authority afforded a model of legal power and regular  
 1066. jurisdiction, which must have seemed a prodigy of  
 wisdom to the disorderly victors. The synods and  
 councils of the clergy afforded the first pattern of  
 elective and representative assemblies, the same which  
 adopted by the independent genius of the Germanic  
 race, and preserved for so many ages by England,  
 promises in the nineteenth century to spread over a large  
 portion of the globe. The ecclesiastics alone had any  
 acquaintance with business: they alone could conduct  
 the simplest affairs with regularity and order: they  
 alone were the interpreters and ministers of all laws and  
 customs. To these powerful means of influence is to  
 be added the inexhaustible credulity of the superstitious  
 barbarians, disposed to yield a far blinder deference  
 than the enquiring Romans had ever paid to their  
 priesthood. A gorgeous worship dazzled nations  
 capable of being impressed only through their senses.  
 Their pretensions to miraculous power lent the clergy  
 extensive aid, for which they were one day to pay a  
 high price in the general unbelief to which these pre-  
 tensions gave rise in less docile and acquiescent times.  
 All the other institutions of the Empire were worn out.  
 Christianity, however altered in its doctrines, was still  
 a youthful and vigorous establishment; and the power  
 which it speedily exercised in blending the two races,  
 by gradually softening the ferocious courage of the  
 Germans so as to render it capable of union with the  
 reviving spirit of the Roman provincials, afforded an  
 early instance of its efficacy in promoting and securing  
 civilisation. It must be added, that the Christian  
 clergymen of that age were far superior to their con-  
 temporaries in morality, which never fails in the end to  
 resume its natural authority over the most barbarous,  
 and even the most depraved. By these and the like

means, the clergy were raised to an extraordinary influence. At first the benefits of their power outweighed its evils. It was long of doubtful advantage, and had it not been checked, it would have proved in the end fatal to the exercise of reason, and to the authority of civil government.

The contests of the state with the see of Rome belong to a later period. It is only necessary at present to remark, that to their communion with the patriarchal church, which, from the earliest period, had been venerated as the mother of the Western churches, the European clergy were indebted for the uniformity of opinion, the occasional infusion of some scanty knowledge, and the unity of means, as well as identity of purpose, which converted them into a well-disciplined army, whose most distant movements corresponded with, and supported each other.

The imposition of celibacy on the Western clergy, scarcely completed before the ninth century, requires some attention, on account of its influence in England, and affords general instruction, as an example of the extent to which the effect of regulations disappoints human expectation. The writings of the earliest Christians contain general panegyrics on celibacy, irreconcilable with reason, though excusable perhaps in an age when the moral relation of the sexes, of which the principle is even at this day so little understood by many who most feel the obligation, was so unsettled, as continually to vibrate between the extremes of extravagant austerity and gross licentiousness. Naturally and seasonably the apostles advised their brother missionaries, and even their defenceless followers, to forbear from giving such hostages as wives and children to their merciless persecutors. In more secure situations, it was not without apparent reason imagined, that an unmarried clergy would have more means of succouring their brethren, more leisure for their studies and their

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duties, a heart less diverted from religious feeling by worldly cares, than one encumbered by domestic ties, and by holding out a single example of a constant victory over their passions, might add force and weight to their exhortations. The peculiar antagonism of Christian morals to sensuality promoted the observance of celibacy, giving rise to dangerous exaggerations. Some were so misguided as to interpret language, intended only to lift the soul from the bondage of the senses, as a discouragement of those unions which are a discipline of humanity. Celibacy was first celebrated as a virtue: it was then enjoined on priests as a moral duty: before the end of the fourth century, by some churches it was enforced as a rule of ecclesiastical discipline. Some councils had forbidden the ordination of men who were married candidates; and marriage after orders seems to have been generally blamed from the middle of the fifth century. The general practice of the West resembled the present practice of the Greek Church, among whom bishops are interdicted from wedlock, and priests allowed only to keep such wives as they had espoused before ordination. A virtue prized so highly by the fathers of the church,—a duty of which the observance seemed to add to the dignity and authority of religious instruction, came to be esteemed one of the most sacred and venerable of ecclesiastical usages, long before it was raised to the character of a universal law.

It soon, however, afforded an example of the vanity and peril of stretching the rules of duty beyond the boundaries of nature. Several sects in the first and second centuries of Christianity had passed through visions of perfection to manners the most licentious. The compulsory celibacy of the clergy drove them into the same road, though it did not push them so far. The prohibitions of councils every where attest the prevalence of concubinage; which, in many countries, was considered as a sort of inferior marriage, and which the clergy had

any means of concealing, or of speciously disguising.

the West, it was altogether impossible that a body of men, newly forbidden to form connections, which all around them cherished, and which had been once regarded by themselves as lawful and sacredly binding, restrained to subdue their passions, and remote from the inspection and censure of all whose disapprobation they dreaded, should not abuse their boundless power over the ignorant, uninquisitive, and submissive people, by the indulgence of a profligacy still more undistinguishing than concubinage. The manners and morals of the European clergy may be in some measure estimated from the state of Rome in the ninth and tenth centuries, under a succession of popes, either pageants, or monsters, and commonly owing their rise or downfall to crime. The unnatural restraint, thus ending in a general dissolution of manners, had also the effect of strengthening the ecclesiastical power, and of tempting the clerical leaders to abuse it. They soon perceived that, by excluding the clergy from marriage, the latter's connection with society was loosened, and the affections which might balance their attachment to the interests of their order, weakened. Domestic relations no longer restrained the ambition of a body, whose members throughout Christendom were already linked together by stronger ties than those uniting them to their countrymen, and more firmly attached to the papal throne than to that of their native sovereigns. Thus it appears that an institution, formed by pure feelings, was seized by ambition as one of its most effective instruments; that the pursuit of unattainable austerity terminated in unbounded licentiousness; and that those who were appointed to preach peace and charity became turbulent and insatiable usurpers. It is not to be forgotten however that, during the whole of this corrupting process, the result was mightily aided by those arts of self-delusion

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sion, which brought the clergy to regard the power of their body as the only restraint on lawless violence, and to believe that their own grandeur was inseparable from the promotion of religion and the well-being of society. The struggle at that time often was, and perhaps generally seemed to them to be, between those who appealed only to brute force, and those who professed to derive their power from law, morality, and religion. The clergy condemned in others those crimes of ambition which they scrupled not to perpetrate themselves, always with scandalous inconsistency, but by no means with invariable insincerity. They became regardless of their duties, and by the scandal of their lives gradually lost much of their ascendancy over the people. The eyes of the most ignorant began, in time, to be opened. An event then occurred which has since been repeated several times among the nations of Christendom.

The religious principle, when deprived of its nourishment by lukewarmness and indolence, still more when offended by open profligacy, calls up more zealous and active labourers to supply the place of a vicious, or even of a cold and formal, clergy. Such substitutes in the times of which we speak were found in the Monastic Orders. Those singular bodies originated, as is well known, in that passion for the undisturbed and solitary contemplation of supreme excellence, which in the early ages of Christianity peopled the deserts of Egypt with pious hermits, and which had even before the era led some of the more devout and contemplative Hebrews into the same seclusion. But the Christian recluses sought a solitude more impenetrable than the Essenes, adopting a system of self-discipline of which the systematic continuance was less dependent on themselves than the austerity taught by Philo to his Alexandrian followers. The very place of their retirement involved rigorous privation, excluding all the ordinary opportunities of vice; and new means were added of extinguishing every

appetite which could disturb their exclusive devotion to the contemplation and worship of God. Such practices, it was even then owned, might be unfit for adoption by mankind in general; but a chosen few, initiated in the high mysteries of their calling, and enured to pious exercise, might, it was contended, serve others, as well as secure their own salvation, by the pursuit of virtues too sublime for the multitude. About the middle of the fourth century, Pacomius and Antony collected these together in monasteries; binding them to perseverance by vows; prescribing laws for their good government, and establishing superiors, to be elected by the monastic community, but armed with power to protect the religious from their own infirmities. From that time their life began to be considered as more holy than that of a secular clergy; and the longing for inaction, which easily steals on us in the languor of a sultry climate, contributed to increase their number. Such of the Christian fathers as visited these solitudes spread everywhere the praises of a life so sacred, and a repose so serene. Monasteries gradually arose in inhabited countries; at first in sequestered spots, where the industry of the monks reclaimed the land, and set the first example after the Teutonic conquest of well-conducted husbandry. The first celebrated monastery of the West was that of Monte Casino, in the Neapolitan territory, founded about the year 530, by Benedict, a native of Murcia, in the Apennines, who gave laws to his new order. They spread rapidly in the West, venturing at length to settle in towns, where their inmates might, by their severe rule, be guarded from the contagion of the world, while their instruction and example might be beneficial to less perfect Christians. At first the monks were mere laymen; and holy orders were rarely, if ever, conferred on them. Nearly a century and a half after the first collection of the Egyptian hermits, Gregory the Great, himself a monk and historian of the life and mira-

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cles of St. Benedict, though he allows that priests may sometimes become monks, and monks receive holy orders, yet considers both cases as exceptions: declaring the spirit of the Church to be, that clerks, being intended for the public service, should not retire from it into monasteries; and that monks should not come among the clergy, as having bound themselves to live in profound retirement. But, in spite of the jealousy of the secular clergy, and of the frequent decrees forbidding preaching, or administering of the sacrament, by monks, the sanctity of their lives, their better discipline, and their superior education, gained them a general estimation, which called them to the pulpit and the altar.

901.

In this controversy originated the first ecclesiastical dissensions among the converted Saxons. They did not break out in the reigns immediately following Alfred. For more than fifty years our scanty information is confined to wars with the Celtic tribes, or with the Danish colonists or invaders. Under Edward the Elder, the son of Alfred, the most remarkable person was Ethelfleda, the king's sister, on whom the mantle of her father had descended. She is called "The Lady of Mercia" by the ancient chroniclers, having, during the greater part of her brother's reign, ruled that extensive province with an equal character for valour and wisdom. On the death of Edward, he was succeeded by Athelstan, the son, probably, of a concubine; who however found in that circumstance no serious obstacle to his succession.

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Against this warlike prince a confederacy was formed by the Britons who occupied the western coast, by the Scots, and by the Danish inhabitants of the eastern coast from the Thames to the Tweed, aided by adventurers of the same race from Ireland, and by crowds of freebooters from Scandinavia. These he completely routed at a place called "Brunnanburgh," of which the situation is unknown. His victory was celebrated in an Anglo-Saxon poem, still extant, the earliest of the few

metrical materials for English history ; the remembrance of which has been preserved by the renown of the battle and the legends of the defeated Scandinavians. By the Saxon annalists it was adopted as a literal statement of fact ; and Latin versions of it were inscribed in the writings of the Anglo-Norman historians. A translation, made by a schoolboy\* in the eighteenth century, into the English of the fourteenth, is a double imitation, unmatched perhaps in literary history ; in which the author gave an earnest of that faculty of catching the peculiar genius, and preserving the characteristic manner of his original, which, though the specimens of it are too few, places him alone among English translators. The battle of Brunnanburgh was followed by the subjection of the Danes in the north and east, and by such submissions from the Scottish and British chiefs, as might justify Athelstan in assuming the title of king of Britain instead of king of England ; though the former appears to have been occasionally used by Alfred also. His reputation spread through the whole of Christendom. His sister, the queen of France, with her son, afterwards restored to a nominal royalty in that country, found an asylum for twenty years at his court. Haco, king of Norway also, and Alan, king of the Armorican Britons, received shelter at his hand, and were ultimately restored by his aid and influence. With Athelstan, the vigour of the West-Saxon government expired. The subsequent reigns of Edmund the Elder and of Edred, the legitimate grandsons of Alfred, were passed in resistance ; with various success, to the revolts and invasions of the men of the north.

Though religious men had been collected in monasteries in Britain from the time of Augustine, there is no satisfactory evidence of any monastic rule, either there or in any part of the West, more ancient than that of

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941.

\* The Right Hon. J. Hookham Frere :—see Ellis's *Specimens of English Poetry*, vol. i. p. 52.

CHAP. Benedict. It was not till the accession of Edwin, eldest  
 JII. son of Edmund the Elder, that the monks began to signa-  
 450 lise themselves as a zealous, powerful, and ambitious body.  
 1066. Dunstan, their leader, one of the most conspicuous per-  
 } sonages in Saxon history, after being long an object of  
 955. unmingled panegyric among monastic writers, who also  
 had leisure and learning for the composition of history,  
 has latterly been treated with unwarrantable severity.  
 Of noble birth, and said to be connected with the royal  
 family of Wessex, he embraced the rule of St. Benedict  
 with the same ardour which he had formerly shown in  
 the business and pleasures of common life. His temper-  
 ament was that of most zealous reformers, who have  
 been exasperated by resistance and persecution: his dis-  
 interestedness and austere manners disposed the multi-  
 tude to applaud the harsh discipline which he enforced,  
 and the cruel chastisements which he countenanced.  
 There is no reason to suspect his sincerity; but the ex-  
 tension of his own power, and that of his order, doubt-  
 less mingled itself with his higher zeal; and the secret  
 enjoyments of pride and ambition soothed the irritation  
 which the renunciation of pleasures more openly immoral  
 is apt to beget in passionate natures. To be very scru-  
 pulous in the choice of means is a rare virtue in such  
 enterprises, in such times, and in such characters. It  
 is unjust to make him answerable for the miracles which  
 the credulity of his admirers has ascribed to him.

946. Having fallen into disgrace in the reign of Athelstan,  
 Dunstan regained his influence in that of Edmund; and  
 at an early age became the chief counsellor of Edred,  
 the last grandson of Alfred. To enforce clerical celibacy  
 —to reduce all monasteries to the rule of St. Benedict,  
 and to expel all the married clergy at least from canon-  
 ries and prebends, that they might be succeeded by  
 Benedictines, were the three main objects of his eccle-  
 siastical policy. The result would have been the con-  
 formity of the English clergy to the law and usage of

Christendom. Unless the clergy conformed to the first two regulations, their conduct seemed to be altogether at free from rule. To Dunstan it must have appeared as if he was engaged in a contest with licentiousness struggling to throw off the laws which restrained it. It is to be remarked, however, that the unnatural interdiction of marriage is admitted to have fallen into disobservance since the Danish wars, which had continued for more than a century. As many parts of England had been converted not long before that time, it is unlikely that the ancient liberty could have been so soon extirpated. The prohibitions and censures lavished on clerical marriages in the earlier times of the Saxons, if they prove the illegality of such unions, at least equally attest their prevalence. A natural liberty, thus sanctioned by the general usage of more than a century, and by many examples in former times, must have been considered, by a clergy not prone to historical or legal inquiry, as an established and inviolable right. The monks, who had enjoyed uncontrolled liberty, shrank from a foreign and unknown rule; and it seemed unjust to deprive the secular clergy of their revenues, on the permanence of which they had formed their plans and habits of life. But the reformer was too impetuous, or too ambitious of the honour of completing his own reformation, to submit to the gradual execution of his projects; though, if abruptly carried out, they must have cruelly affected the great mass of churchmen, reducing numbers of women and children to shame and beggary. Some progress was made in the reign of Edred; but in that of Edwy, or Edwin, the great-grandson of Alfred, he met with formidable resistance, and became involved in transactions which have rendered his character a subject of doubtful disputation ever since. This prince had either formed an illicit connection, or contracted a marriage forbidden for consanguinity, with Elgiva, a lady of whom he was so enamoured, that, on the festival

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of his coronation, while entertaining his most distinguished nobility, he suddenly quitted his royal seat, and went to her chamber. Dunstan rushed after him, breaking into his privacy, and bringing him back in triumph with an unseemliness probably more displeasing to the feelings of refined men than to the angry and heated spirits of the Saxon nobles. Incensed at this outrage, Elgiva, whether wife or mistress, procured his banishment. During his absence, however, Odo, archbishop of Canterbury, sent armed men, who, tearing her from her husband's palace, carried her a prisoner to Ireland, where her face was branded with red-hot irons, in order to destroy her fatal attractions. But her wounds soon healing, she returned in all her beauty; but, being found at Gloucester by bands of the opposite party, was hamstrung by them in such a manner as to cause her death. There appears no proof that the archbishop, far less Dunstan, who was in Flanders at the time, had given any orders for these atrocities; which, however, were perpetrated by their adherents and praised by their encomiasts.

959.

Edgar, the second son of Edmund the Elder, supported by the Northumbrians and Mercians, made war against his unpopular brother. The contest ended in a sort of partition, which left only the territory south of the Thames to Edwin;—whether with any nominal acknowledgment of the superiority of Wessex is not known; for though Edgar was styled king “of Mercia,” it was common in that age to apply the term “king” to subordinate as well as to paramount chiefs. The death of Edwin, however, occurring soon after, opened to Edgar the peaceable possession of the whole Anglo-Saxon territory, who, embracing the cause of the monks, recalled Dunstan from exile, made him his chief adviser, and raised him to the see of Canterbury; a station in which he carried on his designs with redoubled vigour.

960.

Edgar's successful wars and insolent triumphs made the government of his minister popular. For the world

is not even yet so wise as to consider such success dishonourable in a minister, even though he should be an archbishop. The manners of the king, in spite of his zeal for the church, were openly licentious. On one occasion, when he had carried away a nun from her convent to be his concubine, Dunstan interfered with a courage which absolves him from the charge of reserving his reproofs for his inferiors or enemies; though the severity of the penance prescribed may awaken suspicion that he was not displeased at so fair an opportunity of humbling temporal greatness. Two national synods were held at Calne and Winchester; during the former of which, when Dunstan, in a debate with the seculars and regulars, declared "that he should commit the cause of the church to God," the floor where his opponents stood gave way, while the part which he, and perhaps also his partisans, occupied, remained uninjured. If Dunstan interpreted what was only an accident into a Divine judgment, he was guilty of a presumption which has been too frequently copied by Christians of all parties. But a belief, however arrogant and uncharitable, that Providence interposes for the destruction of our enemies, implies no assumption of miraculous power. The notion that the whole was the result of previous concert and arrangement for the sake of working an apparent miracle, seems incredible. Too many men must have been concerned in it for secrecy; exact coincidence in time with the words of Dunstan was necessary to give it a miraculous character; and it made his own safety and that of his friends too dependent on a nicety in execution hardly practicable in much more favourable circumstances. At Winchester, a voice from a crucifix is said to have declared for him. Though contrivance on this occasion may have been more practicable, yet we must not charge him with such an imposture on no better authority than that of injudicious or unprincipled admirers. The occasional coincidence of an extraordinary

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accident with the denunciation of a zealot; the sudden deaths which occur in some distempers; the unaccountable recoveries in others which astonish the skilful; the illusions of sight; the shades by which dreams sometimes fade into waking visions; the disturbance of the frame from long abstinence, and from stimulants incautiously taken to relieve it; together with a permanent state of mental excitement, sanctioned by firm faith in the frequent and ascertainable interpositions of Divine power; are sufficient to relieve us from the necessity of loading the teachers of our forefathers with a large share of fraudulent contrivance and unmingled fiction. The progress of a tale of wonder, especially when aided by time or distance, from a small beginning to a stupendous issue, is too well known to be more particularly called in aid of an attempt to enforce the reasonableness of dealing charitably, not to say justly, with the memory of those who diffused Christianity, and tempered the ferocity of a barbarous age.

970. The second marriage of Edgar, if we may believe some of our ancient writers\*, was attended with horrible consequences in his family, probably contributing to the downfall of the West-Saxon dynasty. Hearing much of the beauty of a young and noble lady, named Elfrida, he sent one of his earls, Athelwold, to examine into the truth of the report. The earl became enamoured of the beauty himself, and wedded her, representing her to the king as unworthy of his regards. Suspecting the truth, Edgar insisted on an interview with her, and, fascinated by her charms, caused Athelwold to be murdered, and became her husband.

975. On the death of Edgar, the succession was disputed between Edward, his eldest son, and Ethelred, the son of

\* William of Malmesbury, who might have known the counsellors of Edward the Confessor, relates the incident on the authority (not to be despised) of a Saxon song. The

same story is told by a later chronicler, called Brompton, at great length, and with particulars characteristic of barbaric manners.

Elfrida. The recommendation of the late king and the authority of Dunstan appear to have determined the election in favour of the former. During his minority, the country was distracted by disputes among the ecclesiastics. The chiefs of the greater provinces, as independent under their new titles of dukes and earls, as under their former designation of kings, took different sides. The ruler of Mercia expelled the monks: the chief of East-Anglia espoused their cause: Elfrida took the part of the secular clergy, in revenge for Dunstan's having secured the succession to Edward, and solemnised his coronation. Of this unfortunate prince the end was in the highest degree tragical. Hunting one day in the neighbourhood, he paid a visit to his brother at Corfe Castle, in Dorsetshire, the residence of Elfrida. She received him with apparent kindness; but, by her orders, at the moment when he was raising a cup of wine to his lips, he was mortally stabbed in the back. "No worse deed," says the old chronicle, "had been committed among the people of the Angles since they first came to the land of Britain."\*

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979.

The reign of Ethelred was the saddest that the descendants of Alfred were to experience. All domestic broils and ecclesiastical controversies were forgotten in resistance to the attempts of the Northmen to seat their chiefs on the Saxon throne. For more than a century the latter had formed the bulk of the population of Northumberland and East-Anglia. In that long time they were gradually blended with their Saxon neighbours. The two languages, originally kindred, now melted into each other; so much so that we can trace no difference between them but in some change of style among the Saxons, and in some peculiarities of dialect subsisting still in the Danish provinces. The ancestors of both nations were of the same race, and might have been neighbours in their original seats. Possessing so large

\* Sax. Chron., 978.



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a portion of the country, and assured of aid from their Scandinavian brethren, the Danes were encouraged by the state of the Saxons to endeavour to give a king of their own race to England, which they had come at length to regard as their native land. In the mean time some degree of civilisation had begun to dawn in the North. The number of small chiefs who had covered the land with rapine and the sea with piracy, was reduced by the conquerors, who began to found considerable states. Piracy was abated and mitigated. It is even said that some generous adventurers, in imitation of the knights of the South, had established a species of maritime chivalry, devoting themselves to the protection of the weak against the remaining pirates. They were now on the eve of conversion to Christianity, and consequently of reception into the society of civilised nations. Scandinavia, however, still abounded with warriors, who regarded peace as a state of disgraceful inaction, and war as the sole theatre on which the human faculties could be nobly exercised. Their utmost reformation extended no further than to raise the object of their expeditions from the plunder of the defenceless to open war.

991.

In the earlier years of Ethelred, the struggle between the two races in England commenced. The superiority of the Saxons in arts and wealth was for a time counterbalanced by the inexhaustible aid drawn by their opponents from Scandinavia, now almost united under one king paramount. The Saxon people, though dispirited, continued faithful. But the defection and treachery of several of the provincial chiefs, especially of Elfric, earl of Mercia, seems to indicate a growing familiarity between men of rank in both nations, and a disposition to regard the war as the contest of two parties rather than two nations. Thrice did Ethelred purchase a momentary respite by large bribes, which, however, only served to insure their return. In the midst of these ignominious submissions, the archbishop of Canterbury, who was a

prisoner in the Danish camp, acted with a magnanimity more signal than that which patriotic fiction has ascribed to Regulus. He was offered his release for a moderate ransom, if he would only promise to advise it helmed to give the invaders a large sum of money as largess. "I have no money myself," was his reply, and I will not advise the king to an act of dishonour." They continued to urge him, but he resisted their importunities, and even refused from his brethren the means of ransom, declaring that "he would not provide Christian flesh for pagan teeth by robbing his poor countrymen to enrich their enemies." Inflamed by intoxication, and impatient of further delay, the barbarians, dragging him before a sort of military council, cried out, "Gold, bishop, gold!" Finding him unshaken, they assailed him with bones, horns, and jaws, the remains of their feast. Falling to the ground half dead, he received a mortal wound from a freebooter whom he had himself baptized. Ethelred retained bands of Scandinavians in his pay; who, being of the lower classes, among whom national feelings are generally the strongest, were most likely to be borne along by the stream of their brethren. Their irruptions were so frequent, that many invaders were probably left by every northern squadron. Olave, king of Norway, canonised for having by no mild means converted his subjects, though he had been baptized by the archbishop of Canterbury, landed in England with a freebooting army; but, having received confirmation from Ethelred's prelates, thenceforward renounced these expeditions. Sweyn, the superior king of Denmark, however, rendered them formidable by taking the command of them himself.

The year 1002 was remarkable for the king's marriage with Emma of Normandy, which not long after became of historical importance; for a treaty or truce with the invaders, accompanied by a great largess, which could have been intended only to lull them into security; and for a

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royal order, while they were in that state, to massacre all the Danes, under the common pretence that the latter harboured the like design against the king and his nobles. The order could comprehend only the Danes in the Saxon territory: but within that territory it appears to have embraced them of every age and sex; and if it was less comprehensive in the event, this was owing only to those difficulties which often render the execution of extensive projects, good or bad, inadequate to the conception. The language of the ancient writers, in speaking of this massacre, is vague. Of its horrors a single fact may serve as a sample. Gunhilda, sister of Sweyn, king of Denmark, who had married an English earl, was put to death after her husband and child had been slain before her eyes. It is difficult to trace the secret links that unite cowardice with cruelty; but experience seems to prove, that, though the valiant are often not merciful, the pusillanimous, if forced into conflict, are apt to become ferocious:—whether it is that they find compensation for being humbled by the brave, in inflicting pain on the weak; or that they who feel most suffering from hostile collision naturally practise the most terrible retaliation; or that the consciousness of the disgraceful vice of cowardice renders men less sensible to the honour which generous minds and civilised times reserve for the union of clemency with prowess.

Neither successive donatives, nor the formal cession of sixteen counties, had any considerable effect in softening the fierceness of the feud. The Danish army, which occupied London, continued the course of plunder and rapine with a wantonness and fierceness too dreadful for detail. An example of their excesses has been already mentioned in the circumstances attending the murder of the archbishop of Canterbury. From a sermon by Lupus, a Saxon bishop, we gather a few particulars of the sufferings and degradation of his countrymen at this period. “Such is their valour, that one of

them will put ten of us to flight : two or three will drive a troop of captive Christians from sea to sea. They seize the wives and daughters of our thanes, and violate them before the chieftain's face. The slave of yesterday becomes the master to-day. Soldiers, famine, flames, and blood, surround us. The poor are sold far out of their land to foreign slavery. Children in the cradle are sold for slaves by an atrocious violation of the law." We should be more disposed to pity these miseries if we did not remember the massacre of the Scandinavians. We have no certain information indeed that these cruelties were measures of retaliation, or that any peculiar abhorrence of the massacre was professed by the Northmen. But in contests between beasts of prey, it is hard to select an object of compassion. Let those who consider any tribe of men as irreclaimable barbarians call to mind that the Danes and Saxons, of whose cruelties a small specimen has been given, are the progenitors of those who, in Scandinavia, in Normandy, in Britain, and in America, are now among the most industrious, intelligent, orderly, and humane of the dwellers upon earth.

Treachery surrounded Ethelred everywhere: jealousy and animosity divided his councils. He sent his queen and sons to the court of Normandy, where he soon after took refuge himself, continuing until the death of Sweyn. Upon that event, the Danish army in England chose Canute to succeed his father. The Saxon chiefs, with their wonted inconstancy, recalled Ethelred, whom their disunion and desertion had banished a few months before. Thereupon a contest ensued, in which the miserable people was equally oppressed by both parties. Ethelred renewed his former practice of delivering himself by assassination from those of his chiefs whose conduct he resented, or whose designs he distrusted. Canute maintained his superiority in open warfare.

On the death of the miserable Ethelred, his son Edmund, surnamed "Ironside," was chosen king ; giving,

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III. proofs of gallantry and vigour worthy of a happier issue.  
450 Edmund was compelled to be contented with the coun-  
1066. try south of the Thames; and his death, which hap-  
pened in the end of November, is ascribed by some  
to the procurement of Canute. Certain it is, that this  
event removed every obstacle to the authority of the  
latter over the whole territory of the two nations. The  
ascendant of the Danes was now established; the pe-  
riod of their regular and undisputed sway began with  
Canute.

This extraordinary chief assumed to himself the direct  
administration of Wessex; according to the usage of the  
Saxons, establishing "dukes" and "earls," but, probably,  
with the same undefined power as the former "kings,"  
in Northumberland, Mercia, and East-Anglia. With a  
view to conciliate the Saxons, he obtained in marriage,  
from the duke of Normandy, Emma, the widow of  
Ethelred, in a manner, according to an Anglo-Norman  
historian, equally disgraceful to the duke and to Emma  
herself.

Canute combined the great qualities of a sovereign  
with the hereditary barbarity of his race. He had  
already subdued Sweden and Norway, or reduced their  
chiefs to dependence. In his government of England  
the character of the conqueror at first prevailed. He  
caused several Saxon princes to be murdered. Edwy,  
king of the "Ceorls," a title of unknown import, was of  
the number, and is said by some to have been a prince.  
But the wise ruler gradually emerged from his original  
barbarism. He sent back the greater part of his nor-  
thern army to Scandinavia. By his profession of  
Christianity, he removed the principal barrier between  
his English and his Danish subjects. By fixing his  
seat of government in Wessex, he held himself out as  
the lawful successor of the descendants of Alfred. His  
administration was harsh; but he neglected no means

of giving it a native colour. He even composed songs, which were sung alike by Saxons and Danes. He patronised both the Latin literature of the monks and the native poetry of the Scalds. When the fame of his northern conquests and of his peaceable establishment in England had generally spread, he visited Rome, as a pilgrim repairing to holy places, and as a monarch desirous of being received as a brother among Christian rulers, and embraced as a penitent son by their common father. He obtained also safe-conducts for the English pilgrims who crossed the Alps. He was treated with honour by the court of Rome; always expecting more effectual aid from a conqueror, and more favourable terms for the church from a prince of doubtful title as most needing her sanction. In his journey from Rome to Denmark (a wonderful enterprise for that age) he obtained from the Emperor Conrad II., who claimed the station of temporal chief of Christendom, the cession of the margraviate of Sleswick, and the acknowledgment of the Eider as the frontier of Denmark, which it remains to this day. After a reign of twenty years, in which his equal justice gained the support of both parties, he died, November 12th, A.D. 1036, with a reputation inferior to that of no European ruler of his age.

An anecdote is related of Canute, that, in the zenith of his greatness, he seated himself one day in a chair, in the midst of his courtiers, on the sea-shore, and, as the greatest of "sea-kings," commanded the tide which was coming in to advance no farther towards him. But seeing the vanity of his words, he piously acknowledged, that there is one Being only who can say to the ocean, "Thus far shalt thou go, and no farther." The story is somewhat extravagant; but it is less incredible as an exhibition contrived to silence extravagant adulation, than as a proof that so strong a mind could be disordered to such a pitch by conquest and flattery. At all events, as resting on English tradition, it serves to

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show the wisdom and impartiality which latterly pervaded his administration.

On the death of Canute, Harold, his son by his first marriage, being the only claimant on the spot, took possession of the throne, holding it for four years, in violation of the marriage-settlement of Emma, by which the crown was to descend to her issue by Canute. Edward, the son of Ethelred, came with an armament from Normandy to assert his pretensions; but receiving no assistance from his mother, he returned to Rouen. His brother Alfred, however, having received a letter of invitation to renew the attempt, purporting to be from his mother, yielded to what he considered as so promising a proposition. But the letter was nothing more than a snare laid for him by Harold. The unfortunate adventurer landed with a body of six hundred men, who were taken prisoners in the succeeding night. Sixty of them were set at liberty, a few being kept for slaves: the rest were destroyed, after being mutilated, according to the capricious ferocity of the soldiers. Prince Alfred was soon after blinded, probably by burning out his eyes; an operation which, performed by such hands, was not likely to leave any work for the assassin. On the death of Harold, his half-brother Hardicanute, encouraged by his mother Emma, reigned for about two years; of whom little is known, but that he attempted to punish the murderers of Alfred, and received Edward, the son of Ethelred, with kindness and honour.

After Hardicanute's death, Edward, the remaining son of Ethelred, who had passed twenty-seven years in exile in Normandy, ascended, without opposition, the Saxon throne. As the enmity between the Danes and Saxons is to be considered as the real, though often unseen, cause of these contests for the throne, though appearing to have originated in the ambition of individuals, so the final predominance of the Saxons is

to be imputed to their superiority in numbers and civilisation, and to their impatience of a barbarous yoke.

The sons of Edmund Ironside, who had been consigned to the king of Sweden, with instructions that the Danish rulers were to be freed from all competitors, were, with unwonted humanity, spared by that prince; who sent them, for better security, to the far east of Europe, where Stephen, king of Hungary, entertained them long and liberally. Thus remote from the scene of action, they lost, by non-claim, a throne which might seem almost their birth-right, and of which, therefore, Edward, being present on the spot, took undisputed possession. The reign of that meek and feeble prince opened with an act of rigour unsuitable to its general character. Emma had offended him by her partiality for her Danish children, and by refusing to assist him in his attempt on England. Lying under the just reproach of having neglected to bring to justice the murderers of her son Alfred, she was degraded from her station and deprived of all her influence. The failure of a threatened attack from Magnus, king of Norway, by removing his last Scandinavian competitor, might have paved the way for a reign both peaceful and prosperous. But the irresolute character of the king, coupled with the growing strength of the nobles, threw all substantial power into the hands of the latter, till a leading member of their body became king in fact, as well as in name—an acquisition which he might have transmitted to his posterity, as in the analogous case of Hugh Capet, if that natural course of events had not been prevented by foreign interposition of these magnates.

Siward, earl of Northumberland, Leofric, earl of Mercia, and Godwin, earl of Kent, divided the country between them. The two sons of the last held great domains, north of the Thames; which, together with their father's power in Wessex and in London, made

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the family the most powerful in the kingdom. According to the northern legends, Godwin was the son of a herdsman. A Danish chief, in a battle between Canute and Edmund Ironside, had pursued the defeated Saxons so eagerly, as to make his return to his comrades dangerous. Throwing himself on the generosity of a youth named "Gudin," or (Godwin), whom he met driving cattle, he offered him a gold ring, if he would conduct him in safety to his countrymen. Gudin refused the gift, but agreed to be the conductor of the Dane, leaving his reward to the liberality of his employer, who, accordingly with the young Saxon, regained the camp of Canute. The Dane by way of recompence gave Gudin his sister in marriage, and prevailed on Canute to raise him to the dignity of an earl. Godwin, fierce and treacherous, was generally charged with taking part in the cruel murder of prince Alfred. He inclined, as far as ambition allowed, to the Danish party; but he concurred in the proclamation of Edward, and shortly after seemed to acquire a new accession of influence by the marriage of his fair and gentle daughter Editha to the king. That superstitious prince thought it a noble act of virtue on this occasion to make a secret vow of continence, in which he persuaded Editha to acquiesce, and for which he is highly extolled by the ecclesiastical moralists; as if purity of manners did not derive its unspeakable value from its necessity, as a preparation for those unions in which originate the ties of kindred, and for those affections which first carry the heart beyond self. The ascendant of Godwin seems to have been first weakened by the crimes of his family. His eldest son Sweyn, who had been outlawed for the violation of an abbess, returning to England, after some piratical expeditions, on a promise of pardon, Edward was prevented from giving it effect by Harold, the brother, and Beorn, the cousin, of the culprit. Sweyn affected, however, to be reconciled to them both. But under the mask of friend-

ship, he found means to seize Beorn, whom he caused to be murdered. Notwithstanding these crimes, the timid, or insensible, Edward was still disposed to pardon the son of so powerful a family.

In no long time, however, the influence of the Norman party prevailed over that of the earl of Kent. Edward, it will be recollected, was the son of a Norman princess; and had passed twenty-seven years at the court of Rouen, where he was kindly entertained and carefully instructed. It is even said by Norman writers\* that he owed his restoration in some degree to Norman ambassadors and a Norman guard. The duke of Normandy was the protector of the exiled princes and partisans of the house of Wessex. Feelings of gratitude, facility of temper, and the power of early habit, combined in disposing Edward to load with favours the companions and guardians of his youth; who were, moreover, better qualified than his native subjects, both for learning and for business. These amiable or excusable partialities degenerated into favouritism; supplying the only motive, perhaps, which could have roused his weak and pusillanimous spirit to throw off the yoke of Godwin. The Normans flocked to England; where every species of civil and ecclesiastical preferment was invidiously showered on them. Robert, one of that nation, was raised to the primacy, then the office of greatest influence in the kingdom, as well as the station of highest dignity. The family of Godwin saw the king escaping from their hands and falling into those of new masters. An affray at Dover between the townsmen and the soldiers of Eustace, earl of Boulogne, who had come over to England to marry the king's sister, gave vent to the popular jealousy against foreigners, and is remarkable as the first conflict between Saxons and Normans. The king espoused the quarrel of his

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\* Gul. Pictav. apud Duchesne.—Script. Norm. Hist. Vet. p. 181.

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brother-in-law. Godwin however, assembling a considerable force, claimed to have earl Eustace delivered up to him, the outrage having been committed in his territory. The king, or his Norman advisers, implored the aid of the earls Leofric and Siward, the latter of whom led the Northumbrian Danes to the relief of a Saxon king. Godwin and his sons were outlawed, and driven to the ordinary asylum of his party with earl Baldwin at Bruges. The innocent Editha was divorced, imprisoned, and stripped of all she had, with a violence and indecorum in which the king could only have been a passive tool. "Wonderful would it have been thought," says the Saxon Chronicle, "if any man had said before that it would end thus; for he (Godwin) was raised to such a height that he ruled the king, and all England: his sons were earls, his daughter was wedded to the king, and consecrated queen."

At this conjuncture, when the influence of the Normans over the king seemed to have been secured by his victory over the faction of Godwin, William, duke of Normandy, paid a visit to his cousin, king Edward; not so much, probably, to partake the triumph, as to confirm the union of his countrymen, and to avail himself of the advantages which his politic foresight could discover, as likely to arise to himself from the character of the king, and his separation from the queen. The unpopularity of the foreigners, however, the imbecility of Edward, and the return of the northern earls to their distant seats of rule, robbed the victory of its advantages, and enabled the exiles once more to re-establish their power. Before the end of the following year, Godwin found means to regain his former influence over the mind of the king, whom he obliged to outlaw archbishop Robert and all "Frenchmen," as the Normans were then called. Not long after, Godwin died, full of years, and full of crimes. The death of Siward, a chief of Danish lineage, enabled the family of Godwin to obtain the government of the

large and warlike province beyond the Humber for his younger son Tostig; who was, however, deposed not long after by the thanes of Yorkshire for his cruelties. The king was compelled formally to confirm this deposition, and to ratify the nomination of earl Morcar.

About this time, the tax called "Danegelt" was abolished, which had continued to be collected as revenue long after it ceased to be paid as tribute. About the same time also, Edward, son of Edmund Ironside, and the nearest in blood to the crown, who had been invited by the king to return to England, from his long banishment, in Hungary, died shortly after his arrival, and before he had been admitted into his uncle's presence; an exclusion which the chronicler deploras, as if the intrigues of the house of Godwin had forbidden Edward to indulge his natural affection for the last prince of the house of Wessex. This pacific prince died on the 4th of January, and was, on the following day, interred in the magnificent church of St. Peter at Westminster, of which he was the founder, and which, as soon as he foresaw his death, he ordered to be consecrated with all due solemnity and splendour. His death spread general sorrow and consternation. The innocence of his life, and the gloomy prospects of the state, from foreign enemies and a disputed succession, sufficiently explain a feeling otherwise unreasonable.

Perhaps the virtues and vices of the eleventh century, in their most striking form and most conspicuous position, cannot be more adequately represented than in the persons of Dunstan, Canute, and Edward. It was a period of aspiring ecclesiastics and of savage rulers, modified with some rudiments of the arts of war and government, and in which those who escaped atrocious crimes were too ignorant and degraded not to embrace superstition instead of religion. Dunstan was a zealous, and perhaps useful, reformer of religious discipline; of commanding abilities, of a haughty, stern, and turbulent nature;

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without more personal ambition, perhaps, than is usually blended with public principle; and one who, if guilty of some pious frauds, might not unreasonably pray that a part of the responsibility might be transferred from him to his age. Canute was a barbarian conqueror, ruling his fierce subjects by maxims far more blame-worthy in a better age than in his troublous and lawless times. Prudence and moderation, if not humanity, were at length grafted on his ferocious energy; and at the last it might be said, perhaps with little exaggeration, that his vices belonged to his age, and his virtues to himself. Edward was a royal anchorite, who, if he had been a professed recluse, or even a private man, might have been justly thought venerable or excusable, according to individual opinion or prepossession. But his abject superstition deprived a clear conscience of the cheerful and courageous temper which is its natural companion: his petty observances distracted his mind from the performance of graver duties: and his ascetic extravagances represented God as an object of slavish fear rather than reverential love. His administration was not his own; he was the mere instrument of the factions who happened for the time being to have possession of his person. If such examples were frequent, innocence would cease to be respectable, and men might be excused for their too frequent preference of active and brilliant ambition. In contemplating these three representatives of the eleventh century, we are struck by observing how much Alfred united all their good qualities and escaped their vices. In spite of all his perfections, he was a reformer as zealous as Dunstan, a Christian as pious as Edward, and a ruler at least as sagacious and vigorous as Canute.

On the day of Edward's interment, the Saxon chiefs in attendance at court at the festival of Christmas elected and caused to be crowned Harold, the son of Godwin, then under-king of Kent; who, since his father's death, had been regent of the kingdom. The only opposition

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which he experienced to this hasty and tumultuary election sprang from the mortal hatred raging in his own unnatural family. His brother Tostig was his earliest competitor; whom Harold Hardrada, king of Norway, and William Duke of Normandy promised to support; the latter, however, with no sincere intention. Tostig landed in Northumberland, trusting that the animosity of the Danish Northumbrians against the Saxons would countervail their remembrance of the tyranny which he himself had exercised over them. Defeated by earl Morcar, who had been chosen on his expulsion, he, like most other English malcontents, found a welcome reception from Malcolm, king of Scotland. Meanwhile the king of Norway performed his promise: landing near York with a great force, after an obstinate struggle, he defeated the Saxon army. Harold was not present; being probably fully occupied in watching on the south-eastern coast the preparations of another and still more formidable antagonist. Dreading, however, the influence of the Norwegian over men of his own race, he adopted the bold, but prudent, resolution of marching northward to crush one opponent before he encountered another. So scanty were the means of communication and intelligence in those days, that it was easy to take armies by surprise; and many poetical incidents were then probable which in modern wars are become impossible. When the Saxon forces were seen advancing, Tostig is said to have been asked by his Norwegian ally who they were. His answer was that he hoped they were his friends; but they might be his brother's army. A proposal was sent to Tostig, offering him Northumberland, if he would withdraw from the field. "Last winter," he replied, "such a message might have spared much blood: but now what do you offer the king my ally?" — "Seven feet of ground," replied the Saxon officer. A bloody battle, long of doubtful issue, ensued. More than once the Northmen, animated by the songs of their

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king, seemed about to prevail over their ancient foes; but the king of Norway, conspicuous by his blue tunic and shining helmet, was struck to the ground by a javelin, piercing his throat. Life and amity were again offered to Tostig; but he would listen to no terms. He was mortally wounded, and the flower of the Norwegian army perished with him. The Saxon king facilitated the retreat of the Scandinavian leaders, that he might be unmolested by them in the arduous struggle impending in the south. This battle is spoken of by our ancient writers as memorable for the dreadful slaughter which characterised it. They did not observe its political importance as the final issue of the long struggle between the Saxons and Scandinavians for the sovereignty of England. It was gained on the twenty-fifth of September, 1066. On the twenty-eighth of the same month, William, duke of Normandy, landed at Pevensey in Sussex. The story of the short remainder of the reign and life of Harold will be best related as an incident in that of William's expedition.

Let us now pause, to take a short view of the institutions of the Anglo-Saxons, before we proceed to give an account of the success of the invasion which introduced another system.

The antiquaries of the seventeenth century investigated the history of our ancient constitution industriously, and often learnedly; but their researches were aided by little critical estimate of authorities, and guided by no philosophical spirit. The greater number of these praiseworthy labourers, who set about their inquiries at the time of the contest between the House of Stuart and the people of England, adapted their representation of our ancient laws to the part which they took in that momentous controversy. The contest was decided by the Revolution of 1688, but the mistaken opinions of the contending parties survived. In two fundamental

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errors only did the Whig and Tory antiquaries concur. They both maintained that Saxon Government was a well-ordered system, and that the right of the people to liberty depended on the enjoyment of it by their forefathers. Both treated the terms denoting political and legal institutions as retaining an unalterable significance through the changes of six hundred years; and hence both were led to believe that the same laws and government which they saw around them during the controversy in question, had existed in the time of the first Saxon freebooters. The Tories represented the Saxon kings not the less as absolute monarchs, because they acted by the advice of men of sense and weight appointed by themselves; treating the privileges of the people as either usurpations or concessions. The Whigs, on the other hand, with no less deviation from truth, endeavoured to prove that the modern constitution of king, lords, and commons, subsisted in the earliest times, and was in fact more pure and flourishing then than in any subsequent age. No one seemed to apprehend that governments are not framed after a model at all, but that all their parts and powers grow out of occasional acts, prompted by some urgent expediency, or private interest, which in the course of time coalesce and harden into usage; and that this bundle of usages is the object of respect and the guide of conduct, long before it is embodied, defined, and enforced in written laws. Government may be, in some degree, reduced to system, but it cannot flow from it. It is not like a machine, or a building, which may be constructed at once, and according to a previous plan, by the art and labour of man. It is better illustrated by comparison with vegetables, or even animals, which may be, to a very great extent, improved by skill and care, which may be grievously injured by neglect, or destroyed by violence, but which cannot be produced by human contrivance. A government can, indeed, be no more than a mere



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draught, or scheme of rule, when it is not composed of habits of obedience on the part of the people, and of the habitual exercise of authority by the individuals or bodies who constitute the sovereign power. These habits, like all others, can only arise by repeated acts; they cannot be suddenly infused by the lawgiver, nor can they immediately follow the most perfect conviction of their propriety. So many influences acting upon the human mind, besides written law, it is extremely difficult, from the mere perusal of a written scheme of government, to foretell what it will prove in action. There may be governments so bad that it is justifiable to destroy them, and to trust to the probability that a better one will grow in their stead. But as the rise of a worse is also possible, so terrible a peril should never be incurred except in the case of a tyranny which it is impossible to reform. It may be necessary to burn a forest containing much useful timber, but giving shelter to beasts of prey. It is fit, however, that the actors should be apprised, before they take an irreparable step, how little it is possible to foresee whether the earth, stripped of its vegetation, shall become an unprofitable desert, or a pestilential marsh.

If these be truths applicable to all men, they are more obviously evident in the case of barbarians, among whom it would be absurd to expect a lawgiver of foresight enough to provide for all emergencies, or any considerable number of people so reasonable as to forego their inveterate habits of thinking, feeling and acting for the sake of making a fair experiment on a new system of laws and government.

The Saxon kings at first acquired power by the same means which have gradually, and every where, raised a small minority above their fellows. They were, doubtless, more experienced, more skilful, or more brave, than those who surrounded them. Their children might derive some superiority from the example and instruction of

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the parents ; and some part of the respect which they commanded might overflow on their more distant progeny. The Anglo-Saxon kings were regarded as the descendants of Odin, the offspring of the gods ; and when, after their conversion, this pedigree ceased to be sacred, it continued to be illustrious. The extinction of all the Odinian race, except in Wessex, contributed not a little to the greatness of the house of Cerdic ; and the total absence of all pretension to ancestry in Harold may have, in some degree, conduced to the languor of the resistance opposed on his behalf. A king was powerful in war by the lustre of arms, and the obvious necessity of obedience. His influence in peace fluctuated with his personal character. In the progress of usage his power became more fixed and more limited. But every act from which this usage sprang, must have been prior to law ; of which it is more the office to record than to bestow, such powers. It would be unreasonable to suppose that the northern Germans who conquered England had so far changed their habits from the age of Tacitus that the victors became slaves, and that their generals were converted into tyrants. It is, accordingly, certain that all these princes governed with the advice and consent of national assemblies, the constituent parts of which it is difficult to determine with certainty, but which may be safely pronounced to have been of an irregularly popular composition. This assembly was called "Witenagemote," or "meeting of wise, or knowing men." It is acknowledged that it contained prelates, earls, thanes, and other principal proprietors of the kingdom. Its consent is recited in the preambles of the Saxon laws as necessary to their validity ; and the repetition of the same terms for centuries, as descriptive of its members, is a proof of the stability and legality of their power. The authority of a barbarous chief needs the support of inferior ones, and of the latter's influence over the multitude ; for without it, laws and legal commands would be more likely to be

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scorned than executed. Undoubtedly there is no trace among the Anglo-Saxons either of representative system or of a peerage like that which now exists. Not only the prelates and "aldermen," or "earls," but a great, though unascertainable, part of the thanes, the inferior nobility, or, in modern phraseology, the gentry, were members of the "witenagemote." A freeman, not noble, was raised to the rank of a thane by acquiring a certain portion of land, by making three voyages at sea, or by receiving holy orders. Now, if all considerable holders of land (the only wealth then known) had a right to sit in this assembly, and if all freemen might become members of this open aristocracy by such various and easy means, the association of such a body with the king in making laws, and their extensive share in the disposal of the crown itself, sufficiently justify us in affirming, that the Anglo-Saxons possessed the rudiments of a free and popular government. It is true, that all who had seats by ancient use did not, in later times, continue to attend. After the subordination of the other kingdoms to Wessex, and the rise of a single "witenagemote" for the whole country, it was scarcely possible for the poor, or the distant, to be present. As the privilege had been conferred by no law, disuse gradually abrogated what usage had established. The preambles of the laws speak of the infinite number of the "liegemen"\* who attended, as only applauding the measures of the assembly. But this applause was neither so unimportant to the success of these measures, nor so precisely distinguished from a share in legislation, as those who read history with a modern eye might imagine. It appears that, under Athelstan, expedients were resorted to, to obtain consent to laws from the people in their districts, which their numbers rendered impossible in a national assembly.

\* "Liegemmen to the 'Dane.'" sanction of Spenser) may warrant Shakspeare's use of it (with the the revival of this convenient word.

That monarch appears to have sent commissioners to hold "shire gemotes," or "county meetings," where they proclaimed laws made by the king and his counsellors; which being acknowledged and sworn to at these "folkmotes," or "popular meetings," became, by their assent, completely binding on the whole nation. It must never be forgotten, in considering these subjects, that only acts of power against law are properly usurpations. Wherever there is a doubt concerning the extent of the powers exercised by these great assemblies, we must throw into their scale the weighty consideration, that the king, instead of fear or jealousy of them, felt a constant desire to strengthen every important act of his government by their concurrence.

The grand division of the inhabitants of England was into freemen and slaves. But there were several bodies of men named in the Saxon laws, and in Domesday Book, which it is somewhat difficult to include in either class; bordars, cottars, &c. It has been supposed that the "ceorles" or "churls" were slaves; others have thought, with more likelihood, that the "villains" of the Saxons were not, as in later times, slaves, but cultivators of the soil; an opinion which has been adopted by Mr. Burke. To avoid an unsatisfactory decision in a work, the limits of which preclude discussion, we may, perhaps, be excused for a modest compromise, which, under the name of "semi-servile," would propose a third class, formed of populations more or less remote from the two extremes. but neither absolutely equal to freemen, nor reduced to the unhappy level of slaves. At the head of this intermediate class, if not in the lowest order of freemen, stood the Saxon "villains," or villagers; the dispute concerning whom is, perhaps, more a question of language than one respecting their condition. The merely being bound to the soil may be joined with so many privileges, that their state may be more properly described as one of freedom than of servitude. The "cottars," or "bordars,"

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and many of the other subdivisions mentioned in Domesday Book, probably held inferior stations in the class in question. The mere slaves, called "servi" in the Latin of Domesday Book, were known in Anglo-Saxon by the various names of "theow," "esne," and "thrael," or "thrall." Their lives were professedly protected by law; and they were even allowed to acquire property, for they appear often to have purchased their own manumission. The sale of slaves to the continent of Europe and to Ireland, though in use for a time, was at last prohibited. This prohibition must have disposed masters more to manumission, and tended to prevent the crime of enslaving freemen. In the preamble of the laws of Alfred we find a large extract from Moses; which, immediately after the Ten Commandments, forbids the keeping of a Hebrew in slavery for more than six years. For "Hebrew" Alfred substitutes "Christian;" an alteration of which it is not easy to see the reason, unless he intended by it to apply the Mosaic prohibition to his own subjects. If, from its place in the preamble, it loses its character of a law (a mode of reasoning too technical for the time of Alfred), it is, at all events, a legislative declaration of the injustice of perpetual bondage. In fact, manumissions appear in the later Saxon times to have been accounted acts of piety and humanity, to have been earnestly recommended by the church, and to have been very frequently practised by dying penitents.

To determine the numbers of each of these classes, and the sum total of the population at the close of the Saxon period, is a problem which we have not the means of solving, notwithstanding the uncommon assistance derived from the great survey of the kingdom made by William the Norman. True it is that Domesday Book has not yet been critically examined for that purpose. But it may be doubted whether, if it had been, all our difficulties would have disappeared. Of thirty-four counties examined by Mr. Turner, four

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have no class described as slaves; though two of these are the extensive counties of York and Lincoln; while the proportion of slaves to the intermediate class, containing villains, bordars, and cottars, is in Nottingham as one to a hundred and fifty, in Derby as one to a hundred and thirty-nine, in Somerset about one to six, and in Devon nearly as one to four. Such an extreme inequality seems to indicate that this class of men went under different names in different parts of the country, or that the commissioners employed in the great survey differed from each other in the language which they employed. But, on the whole, if this examination be correct, it is evident that the class subject to pure thralldom was small in comparison with those enjoying superior privileges, whether called freemen or not. As far as an average may be risked with materials so defective, and, perhaps, discordant, it should seem that, throughout England, the class considered as strictly slaves were not above one in seven of the industrial population.

The population of England, according to this writer's tables, after the desolation of the northern counties by the Normans, was about 1,700,000. If we are to throw our intermediate class among the slaves, the number of freemen would be reduced below all probability. On the other hand, as long as it is allowed that the villains, cottars, and bordars were bound by their tenures to serve their masters in agriculture, there is no improbability in the small number of those reduced to the lowest state of slavery.

The distribution of the Anglo-Saxons into these separate classes affords considerable insight into the spirit of their institutions. Punishments were commonly pecuniary; and, in the case of murder, the amount, which was partly levied by the state as a penalty, and partly granted to the family of the murdered individual as a compensation for their loss,

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was proportioned to the rank of the latter. The "were" paid for killing the king was thirty thousand thrymsas; that for a prince one half of that sum; that for an alderman, or earl, or a bishop, eight thousand; that for a thane two thousand; that for a ceorl two hundred and sixty. It may be stated shortly that the Saxon pound of silver, which weighed five thousand four hundred grains troy weight, contained forty-eight Saxon shillings, each of which weighed one hundred and twelve such grains, each shilling being equal to five Saxon pence, and a thrymsa to three such pence. As the Anglo-Saxon pound troy was equivalent to forty-eight shillings, while the same weight of metal is at present coined into sixty-six, the silver in the more ancient shillings exceeds that in the modern by about one fourth: more exactly, it may be stated, that a Saxon shilling contained one hundred and twelve grains of silver, and our present shilling eighty-seven grains. As, however, these denominations of coin might originally not have been of the same weight in all the Saxon principalities, and as we know that their princes frequently resorted to the thriftless expedient of debasing the currency, it is perhaps impossible to reconcile all the passages in Saxon law relating to coin. For example, while in Wessex the pound was equal to forty-eight shillings, the same quantity of silver was, in Mercia, equivalent to sixty; so that the Mercian shilling was four pennies, when the West-Saxon one was five. With this explanation, another mode of describing the "were" of all freemen below the rank of an alderman or earl may be stated; "twy-hinds," or ceorls, whose were was two hundred shillings; "twelf-hinds," or thanes, whose were was twelve hundred, and "six-hinds," an unascertained class, corresponding, probably, to the "ingenui" of some continental codes, whose were was six hundred. To give an approximation to the comparative value of the different coins is sufficient for our

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purpose, which is chiefly to show the political character of penal legislation among the Saxons. That the murder of the king should be atoned for by a larger fine than that of a subject, a fine not four times greater than that for the murder of the governor of a county, is a symptom of a temper more disorderly than slavish, and, to use the words of the great monarchical historian, Hume, "a sensible proof of the subordination of the king to the community." Other popular institutions display the same spirit. The meetings of the people at the courts for shires, the hundreds, and tithings, where the humbler classes were necessarily more important than in the national assemblies, contributed still more to cultivate the generous principles of equal law and popular government; and though trial by jury was then unknown, it cannot be doubted that the share of the people in the proceedings of these courts, where all ordinary justice was administered, must have led the way to that most democratical of juridical institutions. It is an ingenious and probable conjecture, that the smaller of these courts produced the assembly immediately above it in regular order, from the "folk-mote" of the hundred to the "witenagemote" of the Saxon nation. In their original seats, indeed, we learn from Tacitus that there were "hundredors" in the districts as well as in the supreme assemblies of the whole people.

From the Anglo-Saxons we derive the names of the most ancient offices among us; of the greater number of our territorial divisions, and of almost all our towns and villages. From them also we derive our language; of which the structure, and a majority of its words, much greater than those who have not thought on the subject would at first believe, are Saxon. Of sixty-nine words which make up the Lord's Prayer, only five are not such; the best example that can be given of the natural bent of our language, and of the words apt to be chosen by those who speak and write it without



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design. Of eighty-one words in the soliloquy of Hamlet, thirteen only are of Latin origin: even in a passage of ninety words in Milton, whose diction is more learned than that of any other poet, there are only sixteen Latin words: in four verses of the authorised version of Genesis, containing about a hundred and thirty words, there are no more than five: in seventy-nine words from Addison, whose perfect taste preserved him from a pedantic or constrained preference for any portion of the language, we find only fifteen. In later times, the language has rebelled against the bad taste of those otherwise excellent writers, who, instead of ennobling their style like Milton, by the position and combination of words, have tried to raise it by unusual and far-fetched expressions. Dr. Johnson himself, from whose perversions English style is only just recovering, in eighty-seven words of his fine parallel between Pope and Dryden, has found means to introduce no more than twenty-one of Latin derivation. The language of familiar intercourse, the terms of jest and pleasantry, and of business, the idioms or peculiar phrases into which words naturally run, the proverbs, or condensed and pointed sense of the people, the particles, on which syntax depends, and which are of perpetual recurrence; —all these foundations of a language are more decisive proofs of the Saxon origin of ours than even the great majority of Saxon words in writing, and the still greater in speaking. In all cases where we have preserved a family of words, the superior significance of the Saxon over the Latin term is remarkable. “Well-being arises from well-doing,” is a Saxon sentence which may be thus rendered in the Latin part of the language: “Felicity attends virtue;” but with what a loss of force and expressiveness! In Saxon words the constituents or roots also being significant, and familiar to our eyes and ears, throw their whole meaning into compounds and derivatives; while Latin ones of the same import,

having their roots and elements in a foreign language, carry only a cold and conventional signification to an English ear.

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It must not be a subject of wonder that language should have a closer connection with the thoughts and feelings than our philosophy can always explain. As words convey those elements of the character of each individual mind, so the structure and idioms of a language, those properties of it which, being known to us only by their effect, we are obliged to call its spirit and genius, seem to represent the character or assemblage of qualities distinguishing one people from another. As, at the beginning of these remarks, we freely animadverted on the shallow pedantry which sought to see a realisation of its own favourite system in Anglo-Saxon government and institutions, so we shall conclude them by observing, that those who look below the surface of forms and institutions will discover, that the spirit of equity and freedom infused into our government by the Saxons has never entirely departed from us; that great disparities of rank have been reconciled by us as they were by them, with nearer or more distant approaches to legal equality; and that we are only following their example in still employing regal and aristocratical temperaments to render the ascendancy of the people safer for public order, and therefore more secure against dangerous attack.

Neither the limits of this history, nor the attainments of the writer, are suited to the examination of the extensive subject of Saxon literature, farther than to lament the humiliating contrast between the labour bestowed by the continental nations on the legends of Iceland, and the incurious disregard with which the English nation have hitherto treated the literary monuments of their forefathers. — Only so far as it is historical, can the shortest observations on it be hazarded here. No nation is happier in its earliest history than the

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 III. mouth, only a few years after the introduction of Chris-  
 450 tianity into Northumberland. He resisted during a  
 1066. long life the most flattering invitations to quit his  
 663. monastery and birth-place. Such was the authority of  
 his writings, that, though only a humble monk in the  
 most remote, barbarous, and recently converted of the  
 Saxon principalities, he attained what was even then  
 the singular honour of being the most celebrated writer  
 of Christendom. His great work is entitled "Eccle-  
 siastical History;" and is nearly of the same nature as  
 that of Gregory of Tours, who, a century before, had  
 laid the foundations of French history. Both joined  
 ecclesiastical with civil affairs, an arrangement inevitable  
 at a time when ecclesiastics were the only educated  
 persons; when they alone had any sort of mental  
 ascendant; and when their authority, the only element  
 of order amidst general discord, had a great, and often  
 a good, effect on the general course of events. Both  
 believed in miraculous interpositions, and both honestly  
 related them. To Bede we owe all our knowledge of  
 English history from the landing of the Saxons in Kent  
 to his time (nearly three centuries), and all our certain  
 information respecting the various tribes who then in-  
 habited the island: it is apparent that the work called the  
 Saxon Chronicle often copies long passages from him.

The original of that Chronicle was probably a much  
 shorter and simpler document than the present one;  
 consisting of notes of occurrences, annually or periodi-  
 cally taken, and deposited in the monasteries. Doubt-  
 less there were many such collections. Some of them  
 would get in time to acquire a sort of general sanction;  
 and additions would be made according to the taste or  
 information of the individual possessors. In this way,  
 it should seem as if the Saxon Chronicle had grown  
 into its present form. Though we are ignorant of the  
 authors, or of the time when it first began to be com-

posed, and, in truth, know for certain nothing further concerning it, but that it commences with the reign of Hengist, and terminates with the death of Seafra: yet its shortness and dryness are no contemptible proof of the honesty and accuracy of the writers. It has also received more or less confirmation from the translations of many parts in the Norman writers; some of whom appear to have had before them other chronicles of the same sort. These Norman writers are in some measure become originals to us.

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Little that was contemporary remained to be added to these sources of history, except the invaluable life of Alfred by Asser. The vast collection of the lives of the saints often throws lights on public events, opening glimpses into the lives and habits of people in those times; nor wanting in sources of interest, though poetical and moral, rather than historical. Many of these were the best men of their age; and the reverence of their biographers, unconsciously hiding their faults, and brightening their virtues, presented them as examples and models to those who felt something more than vulgar ambition. In every age of the world, men above the crowd have aspired after something more excellent than the average standard of thought and feeling. The whole force of this high attempt was at this period spent in celebrating the lives of the saints, — a sort of moral heroes, without some acquaintance with whom it is difficult to comprehend an age when the commemoration of the virtues then most venerated, as embodied in these holy men, was the principal theme of Christendom.

The credit of the Welsh poems called Triads has been unduly lowered in consequence of injudicious attempts to exaggerate their antiquity; a fault into which all nations fall, and which is not on this account to be visited severely on one in particular. These poems are therefore certainly the work of an early age; and parts of them, if we had the means of discriminating, would

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probably be found to be of an origin not less ancient than has been claimed for the whole.

The Scottish chroniclers arose too late to be sufficient authorities on this period, concerning which we know nothing certain from them but the general fact of the union of the Scots and Picts under a Scottish dynasty. The Celtic tribes were celebrated for their love of poetry. The old songs of every people, bearing the impress of their character, and of which the beauties, whether few or many, must be genuine, as arising only from feeling, have always been valued by men of masculine and catholic taste. Some fragments of those of the Scottish Highlanders of very uncertain antiquity appear to have fallen into the hands of Macpherson, a young man of no mean genius, but unacquainted with the higher criticism, and who was too much a stranger to the world of letters to have learnt those refinements which extend probability to literature as well as to property. Elated by the praise not unjustly bestowed on some of these fragments, instead of ensuring general assent to their antiquity by publishing them in their natural state, he unhappily applied his talents for skilful imitation to complete a body of poems in a style similar to the fragments, working them into the unsuitable shape of epic and dramatic compositions. He was not apparently aware of the impossibility of poems, preserved only by tradition, being intelligible after thirteen centuries, to readers acquainted only with the language of their own times; nor did he perceive the extravagance of peopling the Caledonian mountains in the fourth century with a race of men so generous and merciful, so gallant, so mild, and so magnanimous, that the most extravagant romances of the age of chivalry could not have ventured to represent a single hero as on a level in point of virtue with their every-day population. He did not consider the absurdity of inserting, as it were, a people so advanced in moral civilisation, between the Britons, ignorant and

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savage as painted by Caesar, and the Highlanders, fierce and rude as we know them to have been by the accounts of the chroniclers of the twelfth and fourteenth centuries. Even the humaner of the Scots were, in the later period, thus spoken of by Froissart:—"In Scotland ye shall find no man lightly of honour or gentleness: they be like wylde and savage people." The great historian\* who made the annals of Scotland a part of European literature had sufficiently warned his countrymen against mistakes of this sort, by the decisive observation that their forefathers were unacquainted with the art of writing; which alone preserves language from change, and events from oblivion. Macpherson was encouraged to overleap these and many other improbabilities by youth, talent, and applause. Perhaps he did not at first distinctly present to his mind the permanent character of the deception. It is more probable, and it is a supposition countenanced by many facts, that, after enjoying the pleasure of duping so many critics, he intended one day to claim the poems as his own; but if he had any such design, considerable obstacles to its execution arose around him. He had been loaded with so much praise, that he seemed bound in honour to his admirers not to desert them. His national feeling appeared to render partisanship in behalf of poems which Scotland had inconsiderately sanctioned, as a sort of moral obligation. Exasperated, on the other hand, by the, perhaps, unduly vehement, and sometimes very coarse, attacks made upon him, he was unwilling to surrender to opponents who so treated him; involving himself at last so deeply as to have no decent retreat left.† Since

\* Buchanan.

† Mr. Laing himself admitted that Macpherson was a man of truly poetical genius, and that much of the poems is of no inconsiderable merit; and even adds, that he read them with pleasure after the detection.

Yet no one will number a feeble administration of literary justice among the frailties of my late invaluable friend, as acute, learned, diligent, and inflexibly honest an inquirer as ever explored historical truth.

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the keen and searching publication of Mr. Laing, these poems have fallen in reputation, to an extent that seems to show that no forgery can ever be permanently successful. They had been already admired by all nations and men of genius in Europe; the last incident in their transient story is perhaps the most interesting. In an Italian version, softening defects, but smoothing down characteristic qualities, they formed almost the whole poetical library of Napoleon Buonaparte. No other imposture in literary history approaches it in the splendour of its course.

They have, however, thrown a colour of fraud over Celtic poetry, which has long weighed upon that department of ancient research. Nor is there any immediate probability that the Irish and Scotch will join at an early date their exertions for the recovery, literal translation, and impartial illustration of such fragments of their ancient songs as are undoubtedly still extant. The fragments published in Ireland by Miss Brooke, in 1789, are, indeed, commendable for retaining the form assigned; for not making too confident pretensions to high antiquity; and for not attempting to remove anachronisms which the unlettered bards could hardly escape. But the translations give no picture of bardic style: they relate to Irish events of former days; but they are written in the prevalent style of a very modern age.

In one respect, Irish history has been eminently fortunate. The chronicles written in the Irish language, from the second century to the landing of Henry Plantagenet, have been recently published, with the fullest evidence of their genuineness and accuracy. The Irish, though robbed of many of their legends by this authentic publication, are yet by it enabled to boast that they possess a genuine contemporary history several centuries more ancient than that of any other European nation. Indeed, none other possesses any monument of its lite-

rature, even in its present spoken language, going back within several centuries of the commencement of these chronicles. The ancient date of these MSS.\* carries with it the same internal proof as the Saxon Chronicle to support the fidelity of the outline of the narrative.

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\* Edited by the learned and upright Dr. Charles O'Connor, to whom we may justly apply, with small change, a line of Dryden —

“ True to his faith, but not a slave to Rome,”

— the lineal descendant of Roderic

O'Connor, king paramount of Ireland at the time of the Anglo-Norman invasion. Dr. O'Connor only lived to complete this monument of the literature of his country, of which his forefathers were the last native and independent rulers.



## CHAP. IV.

## WILLIAM THE CONQUEROR TO EDWARD THE FIRST.

CHAP. WILLIAM, duke of Normandy, proved the most formidable of the competitors of Harold. The account of his ancestor Rollo, who established a Scandinavian state in Neustria, given by the "sagas," or ancient romances of Iceland, is so minute and characteristic, that it is not only more interesting, but seems more credible than that of the Gallo-Norman writers of a later period. Harold "Harfager" (or the "Fair-haired"), king paramount of Norway, who had formed the design of becoming the monarch, instead of the chief of that country, fought, in 885, a naval battle against the chiefs leagued against his encroachments, in which success was long doubtful; but, having at length commanded the frantic band of his "Berserker" to attack the confederates, he gained a most signal victory, as much celebrated by the poets of the north as the destruction of Troy was by the Hellenic bards. The twenty kings who governed Norway were reduced to a subjection from which some escaped by leading colonies into other lands; others, by betaking themselves more exclusively to piracy. By a party of these a republic was founded in Iceland, where literature and liberty converted the barbarians of centuries into a civilised people. Harold, pursuing his victory over his piratical vassals, pillaged the Isle of Man and the Hebrides, extirpating the sea-kings of Orkney and Shetland, and appointing Rognvald, a powerful Norwegian, who had early submitted, to be "jarl" or prince of Orkney. On the death of Rognvald, the succession to his earldom was disputed, with many murders and cruelties, between his children and the sons of Harold. One of his sons,

called in the Icelandic poems 'Hrolph,' better known to us by the name of "Rollo," had, for reasons unknown, been excluded from all share in his father's domains, and had no resource therefore but piracy, in the course of which he broke a law passed by Harald, forbidding freebooters, under pain of death, to destroy cattle on the Norwegian shore. He was tried in his absence by the "Thing," or diet, of Norway, who condemned him to perpetual banishment.

Out of these barbarous contests for the earldom of Orkney arose the conqueror of a great province in France. After many attacks on that kingdom, Charles the Simple, in 912, ceded to Rollo the province of Neustria, giving him at the same time one of his daughters in marriage, on condition that he would submit to baptism. William, afterwards king of England, was the fifth duke of Normandy from Rollo; he was the son of Robert the Magnificent, or the Devil as he was called, perhaps with equal justice, by a fair damsel of low condition at Falaise, of whom he was enamoured, but whom he could not wed during the life of the duchess, the sister of the great Canute. When about to make a pilgrimage to the Holy Land, Robert presented William, then a new-born infant, to a great assembly of his nobles, who careless, like their northern forefathers, of the distinction between concubinage and wedlock, hailed the child with acclamations as the heir of the duchy. On the death of his father, at Nice in Bithynia, William, then only eight years of age, was raised to the ducal throne, which he filled with renown for fifty-three years. Alan, earl of Brittany, and Gislebert, count of Brionne, the regents, showed a respect for their trust, then very unusual; and Henry I., king of France, who owed his crown to Robert, and who had in requital made him grants bringing the Norman territory within six leagues of Paris, protected, as became him, the interests of his ward. As soon as William received his knighthood, he

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turned his arms vigorously against his enemies, and in particular his neighbour, of ferocious valour, Geoffrey, earl of Anjou. In process of time, Henry, jealous of the young duke, made inroads into Normandy; for which pretexts were never wanting in the confused relations of lord paramounts with their great vassals. His armies were twice repulsed by those of William; whose hands were strengthened by his marriage with Matilda, daughter of the earl of Flanders, who soon after became regent of France, and by his acquisition of the county of Maine, bequeathed to him by the will of the last count. Meanwhile, the Norman name became illustrious by the exploits of Robert Guiscard, a private gentleman, who, by his adventurous valour, became master of Lower Italy under the title of duke of Apulia and Calabria, began the expulsion of the Saracens from the Italian islands, and left a son sovereign of Antioch, and a nephew who founded a monarchy in Sicily.

Edward the Confessor, the grandson of a duke of Normandy, had passed twenty-seven years of his early life at the court of Rouen. Robert the Magnificent had even fitted out an armament for his restoration. After that event, it is said by contemporaries, with probability enough, that French became the language of his court. From authentic documents we learn that some Norman barons were landholders in England in the reign of Edward. The King was only restrained from openly embracing the French party by his dread of the house of Godwin. Norman churchmen began to be promoted; and William visited the childless Confessor when his visit is not likely to have been quite disinterested. Edward, says a contemporary writer\*, had almost become a Frenchman. It was afterwards asserted by William that, either on this or on some other occasion, Edward had, with or without writing, bequeathed to him the crown of England. Such a

\* Ingulphus.

bequest could only have been made in contempt of the claims of the exile in Hungary. At the death of Edward, there was indeed no man living who had a title to the crown, or a reasonable expectation of it, according to the prevalent usages of the Anglo-Saxons. Nothing was more repugnant to their feelings, or perhaps, in general, more unsuitable to their condition, than the election of a boy alike feeble in mind and body, though descended from the regal stock. William and Harold were, however void, of all claim founded on modern rules. The former, as the grand nephew of Emma, the king's mother, was sufficiently nearly related to the king to make it easy for popular feeling to connect such consanguinity with inheritance. Harold took advantage of his sister's being Edward's wife, to amuse the minds of the Saxons by a still fainter semblance of a claim. The testamentary bequest alleged by William could not, by those who had just witnessed the undisturbed acquisition of Maine under the like title, be thought inferior to the turbulent vote of some Saxon chiefs, partisans of Harold. The reasons (if they may be so called) set forth, might in some degree content their respective parties; but were at bottom no better than a jumble of every topic that could be thought likely to give a colour of plausibility to their pretensions, without regard either to their solidity or their consistency. Of such topics the only effect is to divert the mind from contemplating the nakedness of the usurpation, to varnish, however thinly, the exertion of brute force, and to lessen somewhat the angry wonder which is naturally excited by an open appeal to the sword. On this occasion no Anglo-Saxon could have such a sense of the justice of the pretensions of one candidate as would inspire him with moral disapprobation (whatever might be his dislike or disinclination) of the assumption of power by the other. As neither had any right to the subject in dispute, none could do wrong to the other.

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IV. bequest of Edward, which, though not proved, it  
1066. would have been hard to disprove, was more agreeable  
to Saxon prejudices than that of Harold.

Meanwhile the claim of Harold, such as it was, was discredited by an incident, variously related. Shortly before the death of Edward, he had landed, or had been driven on shore, in France, near Abbeville; where the count of the district made him prisoner according to the barbarous usage which then treated shipwrecked persons and foreigners of importance as lawful spoil. Harold obtained leave however to go into Normandy, by alleging, truly or falsely, that he was entrusted by Edward with despatches to duke William. William received him courteously, and released at his desire a nephew of his who had been placed in the duke's hands as a hostage. He then imparted to Harold those hopes of the English crown with which he was now animated. He requested the aid of the Saxon, with many assurances of advancement and favour. Harold did not, perhaps durst not, refuse to make the promise required. Committed so far, it was probably difficult for him to refuse the next request that was made, which was, that he should confirm his promise by a public and solemn oath. Thus taken by surprise, he swore on the missal, and the by-standers called out, "So help him, God!" As soon as the oath was completed, William, ordering the missal to be removed, showed to the astonished Harold a vessel underneath, filled with sacred relics, bones of saints and martyrs, and other memorials of the holy men of the Church. The moral principles of the age, however, were not shocked by this palpable circumvention. Harold rested his defence on the dangerous ground of compulsion; urging the doubtful plea of having been released from his obligation by the choice of the "witenagemote," an argument which would have been more plausible, if he had not himself procured the election, and involving an

admission, that the oath had been actually taken, and was originally binding. The fact could not be so explained as to counteract the vague abhorrence of oath-breakers, with little distinction of cases, which is one of the few effectual restraints on treachery in a superstitious age. It greatly aided the negotiations of William in Italy; whither he had sent Lanfranc, an Italian monk of great ability, to obtain a declaration from the Holy See in favour of his enterprise.

Hildebrand, who soon after ascended the papal throne, after having reigned over the church for many years, through a succession of his creatures whom he had raised to a titular popedom, had then completed his portentous and tremendous scheme of an universal theocracy, administered by the pope; in which all civil rulers were to be treated as subordinate and removable officers. He was undoubtedly the greatest man of his age, combining original genius, commanding spirit, and undaunted courage, with an exemplary life, and with principles apparently disinterested.

The astonishing pretensions which had almost triumphed in his vigorous hands were deduced from simple and apparently true premises. Most associations of men exercise the power of expelling delinquent or obnoxious members; excommunication was accordingly practised by the apostolical church, as it is at this day without being called in question by the humblest meetings of Quakers. It would be absurd that civil rank and authority should involve exemption from ecclesiastical censure. So far the reasoning seems indisputable. The next step was alarming; the faithful being forbidden to hold intercourse with the excommunicated person, they could scarcely perform any active duty towards him. It therefore became unfit for the subjects of an excommunicated king to obey him in peace, or to serve him in war; and when the sovereign pontiff expressly absolved them from their allegiance, he seemed only to be warning his

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children against the consequences of acting under the commands of a man excluded from participation in sacred rites. Another reason, equally simple, offered itself. In the many contests between different states, and between subjects and rulers, it was often difficult to determine on which side justice lay. As it was their moral duty to satisfy their consciences on this head before proceeding to violence, they could not consult any person more likely to be impartial than the common father of Christendom. As a king in matters of less importance took the advice of the private director of his conscience, so it became him to resort, in great difficulties, to the general confessor of Christians. It could not be blamable in the pope to mediate to prevent the effusion of blood. The rejection of his good offices naturally indicated conscious guilt; and might be so contumacious as to justify recourse to spiritual censures. In watching over the safety of the church, it was the duty of the pope to take care that the acts of civil government should not endanger it. Of the reality and extent of the actual danger he alone could judge; and he had no effectual means of defending her but by excluding enemies from her communion. As all subjects who abetted the aggressions of their rulers against the spiritual power were accomplices in that heinous crime, the pope might defend himself by the formidable sentence of an universal interdict, forbidding all those religious rites on which depended many of the most important transactions of life, and, in the opinion of the parties interested, even their eternal salvation.

A happier opportunity could scarcely have occurred for the exercise of these terrible powers, than on the application of so powerful a prince as William, in so signal a case as that of the English monarchy, against a competitor who had not humbled himself before the apostolic see, though it was only by an appeal to its authority that he could vindicate himself from the charge

of sacrilegious perjury. A bull was accordingly issued to William, containing the papal decision in favour of the justice of his claim, together with a consecrated standard to proclaim that decision to his followers, and a ring, with a lock of his holiness's hair, as a token of personal regard. It is hardly to be doubted, that the excommunication of Harold and his followers formed a part of the bull. The language of Malmsbury leaves no doubt that these declarations were considered as the award of a competent tribunal; and Hildebrand himself long afterwards took credit for having, on this occasion, dared to incur much odium from his colleagues.

The king of France received William's application for aid with caution: Baldwin, earl of Flanders, declined an open interference. But as soon as William had proclaimed the near execution of his project, he was joined by all the young knights of the neighbouring countries seeking renown, and by all the freebooters whom the prospect of plunder allured. Alan, son of the duke of Brittany, supposed by some to have been the progenitor of the house of Stuart, followed his standard. Four hundred and two knights are enumerated in the roll of "Battle Abbey." According to the proportion observed in that age, we may conclude it to be probable, that there were about four thousand cavalry, twelve thousand regular infantry, together with the ships' companies, forming altogether an army of twenty or twenty-five thousand men.\* It was the most remarkable and formidable armament that the Western nations had ever witnessed, since some degree of regularity and order had been introduced into their civil and military arrangements.

On the 28th of September, during the absence of Harold in the north, William effected an unopposed landing at Pevensey, in the county of Sussex. Having thrown

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\* Sismondi, *Histoire de France*, vol. iv. p. 353.



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up intrenchments round his quarters, he advanced to take possession of Hastings, which he also put in a posture of defence. Harold flew from his northern victory to repel the invaders. He was followed by the vanquished and disaffected from beyond the Humber, under the great earls Edwin and Morcar; who having no heart for the enterprise, advanced slowly and arrived too late. Harold had incurred new unpopularity by taking the whole of the booty on that occasion to himself; and his brother's fall in the late battle was imputed to him as fratricide. It should seem as if the greater part of the Saxon and Danish population looked on with indifference, regarding the contest as affecting no other interest but that species of sovereignty in London which had hitherto only occasionally disturbed the licentious independence of the provincial potentates.

William offered Harold the alternatives of abdication, single combat, or appeal to the pope. All were alike rejected. He then offered to cede Northumberland to him, establishing his brother Gurth in Kent; declaring at the same time that if these moderate terms were rejected, he would proclaim Harold in the face of his army as a liar, and a perjured person, justly excommunicated by the holy father. Harold however treated this proposition also as he had done the former one. On the night following William announced his intention to his army of giving battle on the morrow, who are said to have passed it in devotion, uninterrupted by the noise of songs and revels, which arose from the Saxon camp. Next morning (Oct. 14th, Sunday) accordingly the Normans advanced to the attack. The Saxon army was posted on a rising ground about eight miles inland, on a spot where an abbey was soon after founded; and a village remains, which, in remembrance of this decisive engagement, still retains the name of "Battle Abbey." William rode in front of his army with the reliques on which Harold had forsworn himself hung round his neck,

and the standard which the pope had consecrated unfurled by his side. He briefly addressed them:—"You are to gain a rich booty. If I become king of England, you will be the owners of the land: vengeance and plunder are alike before you. You are to punish the perjury of the English. They massacred our kinsmen the Danes: they murdered the companions who followed prince Alfred from Normandy. Before you is the son of that Godwin who was charged with the murder of my unhappy cousin Alfred himself!" Taillefer, a Norman minstrel, inflamed the martial ardour of the men of Brittany, Normandy, Poitou, and Flanders, by singing those ballads, on the high deeds of Charlemagne and Orlando, which, since their dialects had melted into one common language, alike interested the sensibility of all, of whatever lineage, who were dwellers in France; playing with his sword in the air, tossing it up with one hand, and catching it as it fell with the other. With the leave of the duke, he began the onset, by cutting down two Saxon cavaliers, but was himself mortally wounded in the attempt to slay a third. The Anglo-Saxons, forming a compact body, received their assailants with battle-axes, with which they broke the lances and cut the coats of mail of the Normans. The Bretons in the left wing gave way. The English, with the rashness of undisciplined troops, pursued so eagerly as to be in danger of being cut off. The attack was renewed: the defence was again successful; and the duke was reduced to the necessity of luring the English a second time into this error by pretending flight. The expedient succeeded. Such however was the unshaken courage of the English, that, on the third attack, they again compelled the Normans to use this stratagem; which was equally successful this time also. The latter at length penetrated the Saxon lines, but the combat was still obstinately prolonged. Harold, to whose heroic valour historians on both sides bear testimony, received his

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death from an arrow, which, entering his eye, is said to have pierced him through the brain. His brothers, Gurth and Leofwin, still gallantly defended his standard. They were attacked and slain however by a chosen band of Norman volunteers; who, pulling down the Saxon standard, and erecting that consecrated at Rome in its stead, spread a panic among their adversaries, putting them to flight, and deciding at once the fortune of the day and the fate of the kingdom. The Conqueror on his part lost a fourth of his army, and had two horses killed under him. The battle ended only with the day.

Next morning, the victors reaped the first fruits of their victory in the pillage of the dead, whom they stripped of everything; and on whose carcasses, in the wantonness of savage joy, they caused their horses to trample. The mother of Harold sent two monks of the monastery which he had founded at Waltham, to implore William to grant her the dead body of her son, that its interment might be solemnised with the honours due to it. William, like Achilles, complied with her request; but the body was so disfigured, that they were unable to distinguish it. In this emergency, the monks are said to have had recourse to Edith, "the lady of the swan's neck," Harold's mistress, who with the keen eye of affection recognised the remains. The death of Harold raised him to a place in the affection of his countrymen which there is very little evidence that he occupied during his life. As a man of spirit and enterprise, whose rise was dazzling, and who had the good fortune to die in battle with foreign invaders when the independence of a nation coincided with his own aggrandisement, his short rule interests the reader of English history.

The first care of William after his victory was to secure his communication with Normandy by the complete reduction of the coast. He besieged and took the castle and town of Dover: the inhabitants of Kent made

their peace with him. During his cautious advance towards London an attempt was made to make a new and vigorous stand, under a more legitimate champion.

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Edgar appears to have been acknowledged in London for a short time; performing some acts of regal authority, the validity of which was never afterwards questioned. The opposition of the bishops however to any pretensions but those of the candidate favoured at Rome, saved the unfortunate boy, then only fourteen years of age, from so unequal a contest. William, considering it safer to master a city, even then great, by gradual pressure than by sudden assault, drew his troops in a line all round London. Nor was it long before the siege was brought to a conclusion. The conqueror postponed his entry however till he had built a place of safety, which has since grown into the tower of London. At Christmas, he was crowned in Westminster Abbey, with some of that appearance of assent from the people, if not of election by them, which is still vainly affected in such solemnities. Stigand, the archbishop of Canterbury, who had been condemned as an intruder by the Holy See, and the choice of whom by Harold to consecrate him had contributed to the hostility of Rome towards that prince, was either rejected by William, or declined the performance of the office; in either case showing how great was the importance of the papal sanction to the Norman enterprise; and it devolved therefore on Aldred Archbishop of York. Edgar, and the Saxon chiefs of Northumberland and Mercia, submitted, as it should seem, even before the coronation. The youth suffered himself to be quietly stripped of the robes with which he had been invested, and was entertained by William with that outward courtesy, the offspring of contemptuous compassion, which it is safe, and sometimes politic, to lavish on an insignificant pretender. The next step of the conqueror was to encourage the Normans, and to assert the legitimacy of his government, by distributing among his

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followers the lands of the English, whom he pretended to treat as rebels. He placed the strong holds and principal towns in the hands of trusty adherents, and, after re-establishing the payment of "Peter's pence" to the Roman see, and sending the standard captured from Harold as a trophy to Rome, he re-embarked in the month of March for Normandy, carrying in his train Morcar, Edwin, and Edgar; thus depriving the Saxons of leaders in the field, and of the only points round which they could rally. Odo, bishop of Bayeux, the son of William's mother by a plebeian husband, was left in charge of the government of a country as yet rather militarily occupied than securely conquered. This occupation appears to have embraced the country eastward and southward of a line drawn from the western boundary of Hampshire to the northern point of the coast of Norfolk, together with part of the counties of Shropshire and Hereford. Commotions in the latter and in Kent were immediately suppressed by the Norman viceroy. Amidst the murmurs of the indignant Saxons, threats were uttered of a vengeance as terrible as that which their fathers had wreaked on the Danes; the rumour of which must have been easily believed by conquerors conscious of oppression. These alarming occurrences recalled William from his continental dominions in December following.

In what may without impropriety be called his second campaign, he turned his arms against the Saxons of Devonshire; who, supported by their British neighbours in Cornwall, and animated by the presence of Harold's family, had refused to acknowledge his government. Betrayed by the thanes, the more generous people made a gallant stand against the invaders; but were compelled to submit at last. About this time Edgar was carried to the court of Malcolm, surnamed "Ceanmore," king of Scotland, who married his sister, the princess Margaret, after the death of her brother

Edgar, the representative of the royal house of Wessex. Many of the Saxon nobles followed; and, being mingled with subsequent emigrations of disaffected Normans, became the founders of the greater part of the Scottish nobility.

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No foreign soldier, however, as had yet been seen beyond the Humber: even into Mercia the Normans had made only occasional inroads. The reduction of the central and northern provinces proved a more arduous undertaking than any that William had hitherto been engaged in. Early in the summer he began his movements against warlike people, who wanted nothing but skilful commanders and a centre of union to have made a resistance as successful as it was glorious. It is not easy to ascertain the order of the occurrences of this campaign. It is not clear, whether his advance was hastened by the reception of the exiles in Scotland, or the flight of Edgar and his family was occasioned by the invasion of the northern principalities. The successive reduction of Oxford, Warwick, Nottingham, Leicester, Derby, and Lincoln, after obstinate resistance, attested by the ruined condition of these towns at the survey a few years after, sufficiently indicate the boundaries of the territory won at Hastings. Some progress in the reduction of Mercia was undoubtedly made. Norman chroniclers tell us that William was not only resisted in the fortified places but in the field, on one occasion, in an action where the Saxons were worsted. He established an advanced post at York; and, contenting himself with formal submission, and an armistice, probably not guarded by any stipulations, he hastened southwards to meet the son of Harold, who had obtained a victory over the invaders near Bristol, and threatened to revive the war in the west. The western provinces rose; but as his pretensions were irreconcilable with those of Edgar, there could be no hope of co-operation from the people of the

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IV. take refuge in Ireland.

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The renewed campaign of 1069 opened with appearances threatening to the Norman power. York had been recovered: the Saxons had assembled in great numbers in the inaccessible districts: those of the south threw themselves into the woods with their wives and children, choosing rather the life of outlaws and to subsist by plunder, than the yoke of Norman thralldom. Some of the Norman nobles, wearied by the constant assaults of the Saxons, retired in disgust to their castles at home; and symptoms of dissatisfaction with their insecure acquisitions were shown by more. Robert de Comyn, in defiance of the warning of the bishop of Durham, ventured to occupy that strong but detached position. On the day after his entrance, the Northumbrians burst into the town, putting the governor and nine hundred of his Normans to death. Encouraged by this example, the people of York besieged the garrison of the castle. The Normans burnt the city; but the people, with the aid of a Danish army which had come to their assistance, destroyed the strongholds. Edgar Atheling appeared at York, and was acknowledged king. His authority extended from the Humber to the Tweed; and he was supported by the kings of Denmark and Scotland. But William was never wanting in speed and resolution. He hastened to the north, defeated the allied armies, and once more advanced to the Tees. The result was terrible in the extreme. It is the principle of conquerors to treat a vanquished people more severely in proportion to the valour and pertinacity of their defence. The country north of the Humber was ravaged with such ferocity, as to be described by the friends as well as the enemies of William in terms of indignation; proving that it far exceeded the ordinary misdeeds of conquerors in an age when the mildest warfare was atrocious. "From York to Dur-

ham not an inhabited village remained! Fire, slaughter, and desolation made it the vast wilderness, which," says William of Malmesbury (sixty years after), "it continues to this day." From the Tees to the Tyne the army in its advance spread the same desolation: bare walls, and fields without a trace of tillage, were all that was to be seen. Some of the country people, taking refuge in the mountains and forests, tried to subsist by plundering their oppressors: many sold themselves into slavery: the flesh of dogs, horses, and even men, was greedily devoured. It was horrible to look into the ruins of houses, or on the streets and roads, and see them strewn with human corpses in a state of putrefaction. None were left to perform their burial. Pestilence stalked in the train of famine. What was called peace was thus imposed on the Northumbrian territory. The king of Scots submitted, after having contributed to the desolation of the country which he had come to defend; the object and extent of which submission was for ages the subject of disputes equally angry and frivolous. Edwin and Morcar could no longer make any resistance. Some accounts represent the Danes, either satiated with spoil or bribed by William, as having deserted their unfortunate allies in this their extreme need. The Saxon cause seemed utterly broken.

The Conqueror regarded himself as rightful king of England from the date of his proclamation in London. He saw the alienation of the inhabitants; and wherever they resisted the attacks of himself or his lieutenants, he seized their lands, and took their lives as rebels. Confiscation gleaned whatever conquest had spared. He granted the county of Chester to Hugh, who earned even in that age the surname of the "Wolf." The earl appointed a Norman, named Lenoir, or Nigel, his constable, with extensive grants of land, and power of life and death. Lenoir established five of his brothers with the like charter of murder and rapine; probably, a fair



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example of the manner in which these tremendous powers were lavished on hungry adventurers, reeking from blood, and from the perpetration of atrocities not to be named.\*

In this manner the settlement of the country became as cruel as its conquest. The annalists who speak of the treatment of all who were guilty of being wealthy might be suspected of exaggeration, if the experience of all ages did not show that such horrors, even in less barbarous times, attend all measures of sudden and sweeping confiscation. The contests between those who are corrupted by its practice and those who are incensed by its infliction, are among the most dreadful evils which tear asunder human society. Many of the Saxons left a land which was no longer their country. A band under Siward, Earl of Gloucester, found their way to Constantinople; were employed against another party of their mortal enemies, under Robert Guiscard; and maintained their reputation for valour and fidelity to the latest times of the Eastern empire. There was still, however, a formidable assemblage in the great district of the Fens, Lincoln, Norfolk, Cambridge, Huntingdon, and Bedford, where the rich abbeys of Thorney and Croyland had formerly been established. Hereward, one of the most resolute and unshaken of the Saxon chiefs, fortified a camp in the isle of Ely immediately after the close of the northern war. Morcar, together with Stigand, Archbishop of Canterbury, Elgwin, bishop of Durham, and the most conspicuous of the remaining Saxons, repaired to this camp as to the last asylum of Anglo-Saxon independence. Morcar, however, a weak and fluctuating man, was allured from his sanctuary, and imprisoned for life. Hereward made a last and

\* Thierry, *Histoire de la Conquête de l'Angleterre*, vol. ii. p. 122. A writer equally admirable for eloquence and research, whose citations

have generally appeared to me very faithful. The spirit of system has, in the succeeding parts of his history, led him into exaggeration.

manful stand for the Saxon name, in which he was assisted by the Abbots of Peterborough, Ely, Thorney, and Croyland. He was also aided by a Danish troop, which, however, quitted its station in a manner to give occasion to a new charge of treachery against their nation. William besieged, or rather blockaded, the camp; but was obliged to open a passage over the marshes, by constructing a wooden causeway of three miles in length. The Saxons set fire to it, destroying many of the assailants. They defended themselves till the monks of Ely, impatient of the privations of a blockade, made their peace with the enemy, admitting them into their monastery, which formed part of Hereward's line of defence. It is consolatory to know that these monks were punished for their cowardice and treachery by the severe exactions to which they were afterwards subjected. Hereward, whom the Norman poets honoured with the name of the "hardy outlaw," kept his ground like another Alfred, when all around him were subdued. Unshaken valour was a virtue which the Conqueror knew how to admire; and while he imposed contributions on the monks, he restored the last of the Saxons to his possessions, on condition of the latter's taking no active measures against his authority. Hereward, however, had been too formidable to the Normans for them ever to forgive the struggle he had cost them. He was slain not long afterwards, after one of the most valiant defences on record, by a party of that nation, whether set on by William or not is uncertain.

The subjection of England would have been incomplete without that of its church also. A council was held at Winchester, at which the Saxon Archbishop of Canterbury was deposed on specious pretexts, and Lanfranc raised to that see; a man otherwise worthy of honours, but a creature of William, and a slave of Rome. Various expedients were adopted by this as-

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sembly to deprive the Saxon prelates of their bishoprics, in order that their places might be filled by others devoted to the new government; and that the revenues of the church, as well as the lands of the laity, might be converted into a fund for rewarding Norman adventurers.

William now ventured on a second visit to Normandy, where he was engaged in petty usurpations on his neighbours. Edgar Atheling, whose efforts were always tardy, tried, at this desperate period of the Saxon fortunes, to procure aid from the king of France and the earl of Flanders, for an attempt upon England. Disappointed in his hopes, he was taken prisoner, passing many inglorious years at the court of Rouen. At a subsequent period, he followed a crusade to the Holy Land; and one of our latest accounts of this last pretender to a descent from Odin is, that he was alive in the time of William of Malmsbury, exhibiting the unseemly sight of the representative of Alfred feeding on the crumbs that fell from the table of a Norman tyrant. Though the English nation owed their ruin in some degree to his pusillanimity, yet they looked on him with fondness as a relic of their departed greatness; and their affection for him was daily strengthened by their hatred of their new rulers.

The subjugation of England has been related more fully than the scheme of this narrative will allow, both on account of the magnitude of the revolution, and because the true nature of the Conquest has not been correctly set forth by modern historians. It was a slow, not a sudden change. The territory won at the battle of Hastings was less than a fourth of the kingdom. It was bounded on the north and west by a line which we cannot confidently fill up, but which extended from Dorset to the bay between Norfolk and Lincoln. The successive contests in which the Conqueror was engaged ought not to be regarded as measures to quell rebellion.

They were a series of wars, levied by a foreign prince against still unconquered portions of a valiant and independent people. Their resistance was not a flame casually lighted up by the oppression of rulers: it was the defensive warfare of a nation which took up arms to preserve, not recover, their liberties. There are few examples of a people who have suffered more for national dignity and legitimate freedom.

The Britons are, perhaps, too far from us in time to admit much fellow-feeling with them. When we stretch out our hands towards the heroes of that early people, we scarcely touch more than a shadow. But let us not distort history by throwing the unmerited reproach of want of national spirit on the Anglo-Saxons; thus placing an impassable barrier between ourselves and the founders of our laws and liberties, whose language we speak, in whose homes we dwell, and in whose establishments and institutions we justly glory.

The wars of William for the conquest of the west, the north, and the east, were protracted for seven years after the battle of Hastings. Had the character of Edgar been more elevated; had he been even set up as a royal pageant at the moment of Harold's coronation, it may be doubted whether the invasion would have been attempted. If Harold had delayed the battle till the arrival of his reinforcements, it seems probable enough, from the obstinate defence made at Hastings, that the result might have been different. If the claims of the latter's family could have been reconciled with the rights of Edgar; if the Danes had been more faithful, and the Scots more powerful; if it had been even possible to keep up a co-operation between the armies of the north and those of the west, we may rationally believe that the northern chiefs might have succeeded in their defence. In spite of all their misfortunes, the Saxons gave full time for other states to interpose, if any of them had taken alarm at the growing power of

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William. But the people of Europe were then incapable of understanding their common interest in preventing unjust aggrandisement. No potentate could see any object beyond the strife in which he was personally engaged. Communication was tedious and unsafe; concert became almost physically impossible, even if the princes of that age had been justified in trusting each other to that limited extent in which mutual confidence is necessary to hold together even a gang of banditti. The king of France saw the progress of his overgrown vassal with indifference; the earl of Flanders was a passive spectator of the aggrandisement of his rival and neighbour. More distant sovereigns heard of the conquest of England by a powerful lord of the continent with less concern than modern Europeans would feel at the intelligence of a new Tartar invasion of China.

The remaining events of the reign of William are not of importance enough to require recital. A great booty usually sows dissension among the plunderers. Where there is no principle of justice recognised by all, every man measures his share only by his appetite. The Norman barons, discontented with their allotment of spoil, rebelled against William. They were joined by some Saxon chiefs; and both parties blended their contradictory grievances in invectives against him. He put down their conspiracy, however, putting to death Waltheof, the last of the earls, on whom he had formerly bestowed his niece Judith in marriage,—a lady, who is said to have used her influence with the Conqueror to rid herself of a husband no longer acceptable to her. Waltheof was no further guilty than in not having disclosed the conspiracy; but his wealth was his crime.

This year William sailed over to Normandy to suppress another revolt, that of his eldest son Robert, surnamed "Curthose," to whom he had promised, when on the eve of embarking for England, that he would

resign the duchy if he became quiet possessor of the English throne. When that event happened Robert, agreeably to the promise given him, demanded Normandy and Maine. William answered that he should not undress until he had thoughts of going to bed. Such conduct excited little horror in an age when the title to sovereign power was unsettled; when monarchs were accustomed to divide their dominions among their children; and when, during their own lives, they often appointed their sons to be viceroys of remote provinces, with almost regal powers. These grants might sometimes be necessary to enable the favoured son to take possession of his destined inheritance. The reign of a conqueror, by weakening the restraint of principle, gave the reins to the impatient ambition of an heir apparent. The hostilities between the father and son, being fomented by the king of France, lasted for several years, and were closed by an incident more interesting than any political event. Robert, besieged in the castle of Gerberoi, in one of his sallies, wounded and unhorsed an aged knight, whose countenance was concealed by his helmet; and was about to pursue his advantage, when he recognised the voice of his father. He dismounted, knelt, and with a flood of tears, embracing his father, implored pardon. Some writers represent William, also, as overcome by natural feeling; but, according to the more credible testimony, the old king, smarting with his wound, hardened by ambition, inflamed by anger, was inexorable, pronounced a curse on his repentant son, and was only persuaded by the importunities of his wife and nobility to consent to an apparent reconciliation.

While engaged in his usual desolating warfare, he came before the town of Mantes, and commanded it to be burnt. The houses were consumed, and some monks perished in the flames of their monasteries. The king, eager to press forward, galloped over the smoking ashes,

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which caused his horse to plunge so violently as severely to wound the unwieldy rider in parts which were before afflicted by a painful malady. He was carried to Rouen, where he withdrew from the noise of the capital to the adjoining abbey of St. Gervais. There he breathed his last, after commanding that a sum of money should be given to the clergy of Mantes (Sept. 9th); that the like compensation should be made to other towns which had suffered from his violence; and that the English prisoners, Morcar, Siward, and Ulnoth, the brother of Harold, should be set at large. He consented, however, with great difficulty to the release of his brother Odo, whom he declared to be without faith or humanity; thus pronouncing the greatest condemnation on his own government, of which the man so described had been the first minister. These inadequate atonements for irreparable crimes deserve mention only because they proclaim to the oppressor and the oppressed, that there are moments when conscience will resume her authority, striking terror into the heart of the most fearless tyrant.

It cannot be doubted that William surpassed all his contemporaries in capacity for command, certainly in war, and probably also in peace. Sagacity, circumspection, foresight, courage, both in forming plans and facing dangers, insight into character, ascendant over men's minds; all these qualities he doubtless possessed in a very high degree. All that can be said in extenuation of his perfidy and cruelty is, that he did not so far exceed chiefs of that age in these detestable qualities, as he unquestionably surpassed them in ability and vigour. It may be added, that if he had lived in a better time, when both his competitors and himself would have been subject to equal restraints, he would have retained his superiority over them by force of his mental endowments. It is also true, that contests with lawless and barbarous enemies, to which a man is sti-

mulated by fierce and burning ambition, are the most severe tests of human conduct. The root of the evil is the liability of the mind to that intractable and irresistible frenzy.

The Saxon chronicler, who tells us that he had lived in William's court, gives him the praise of being wise; which is just, if wisdom can exist without virtue; of energy, stateliness, splendour, mildness and generosity towards the clergy, who were his instruments of rule; and of severely executing justice upon all robbers except those of his own band. But "so stern was he and hot, that no man durst gainsay his will. He had earls in prison; bishops he hurled from their bishoprics. He overran Scotland; and he would in two years more have won Ireland. In his time had men much distress. He took money by right and unright. He made many deer-parks, and he established laws by which whosoever slew a hart or a hind was deprived of his eyesight. He forbade men to kill harts or boars, and he loved tall deer as if he were their father. He decreed that hares should go free. Rich men bemoaned, and poor men shuddered; but he was so stern that he recked not the hatred of them all." The Saxon, even amidst the ruins of his country, considered the sacrifice of the lives of the many to the amusement of the few, as a species of tyranny more insolent and intolerable than any other.

Two legal revolutions, of very unequal importance, occurred, or were completed, in the reign of the Conqueror: the separation of the ecclesiastical from the civil judicature, and the introduction, or consummation, of the feudal system. Justice had been chiefly administered among the Anglo-Saxons in the county, or rather hundred, courts, of which the bishop and alderman were joint judges, and in which the thanes were bound to do suit and service, probably to countenance the judgment, and strengthen the authority, of the

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court. The most commendable part of William's policy was his conduct to the pope, towards whom he acted with gratitude, but with independence. He enforced the ecclesiastical laws against simony and the concubinage of the clergy. He restored, as we have seen, the donation of "Peter's pence": but he rejected with some indignation the demand of homage made by Hildebrand, elated with the impunity and acquiescence which had attended his pretensions to domineer over sovereigns. He seems to have introduced the frequent practice of appeals to Rome; without which, indeed, the patriarchal jurisdiction of that see was useless. But he separated the ecclesiastical jurisdiction from the civil; forbidding bishops to hold pleas in county or hundred courts, and limiting their power to causes of a spiritual nature. The immediate effect of this measure was favourable to clerical independence. Its ultimate tendency, however, was to liberate the civil judge from the ascendancy of the more learned ecclesiastic, and to place the inferiority of a spiritual court in a more conspicuous light, by rendering it dependent for coercive authority on the secular arm. It seems probable that, without such a change, the bishop must have at last wholly governed the earl, and the spiritual power would have been deemed as much entitled to coercive authority as the civil.

It is certain that the system of government and landed property, commonly known throughout Europe as the "Feudal System," began in England with the reign of the Conqueror. It is now as clearly established, that it did not arise on the conquest of the Western empire. It is improbable that so peculiar a system should have been introduced all at once into a country. Yet there were many circumstances attending the Norman invasion to soften the unlikelihood of so sudden an introduction having taken place. The most reasonable supposition seems to be, that it was gradually prepared

in Anglo-Saxon times, and finished by the Norman invaders.

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At first it should seem that the chiefs of the Germanic tribes, out of the immense mass of property of the vanquished, granted considerable portions to their favourites, to their most distinguished soldiers, and to their most trusty advisers, perhaps without mentioning any conditions, but with the usual expectation of gratitude and fidelity; of which a flagrant breach was sure to be followed by the seizure of the land of the unthankful vassal, long before it became liable to forfeiture by the authority of established law. Lands so granted were ordinarily held for life; but became hereditary about the time of Charlemagne, by the gradual operation of the disposition of mankind to continue the possessions of a father to his children. The same general cause rendered the governments of provinces descendible under counts and dukes. The great proprietors of land, imitating the policy of the crown, engaged followers by grants of land, which went through the like process. In all cases the grantor was interested, disposed, and at length obliged by law, to protect the grantee, as much as the grantee was bound to render service to the grantor. The former was called the lord; the latter, the tenant relatively to the land, and the vassal relatively to the lord. All grantees having derived their property from the king, the latter became the most extensive lord. As every grantee might grant to another, many links in the feudal chain might intervene between the king, as lord "paramount," and the actual occupant of the soil, as tenant "paravail." The allodial, or independent, landholders, exposed to the attacks of potent lords, and unprotected by superiors or followers, gradually surrendered their perilous independence into hands which were powerful enough to secure it. Thus the Feudal System became in the course of five centuries nearly universal, and may be said to have reached its

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zenith about the time of the Conqueror's invasion. The greater part of the allodial land had in the eleventh century become feudal. The Normans, as well as the French, had adopted this system. There are traces of it, and advances towards it, discoverable even among the Saxons. Military service was performed among the latter. They swore fealty, though not homage; and their "heriot" is not discoverably different from the feudal "relief," or money payable on succession. The confiscation of an immense part of the land of England for real fidelity and pretended treason, and the policy of placing the government and the land in the hands of William's followers, gave him an opportunity of establishing a feudal constitution, together with means of supporting it, and motives for immediately introducing it, which scarcely existed in any of the continental nations; among whom, therefore, it had grown up more slowly.

As authority was won and exercised by war, the military was the animating principle of the civil administration. The lord, who had the right to the military service of a district, was the only person who had the means of exercising any authority in it. The vassal swore fidelity to his lord, who thereupon invested every successive tenant with his land. Every lord had courts, at which his tenants were obliged to serve him in distributing justice among his vassals. The king was the chief lord; but his jurisdiction was limited to his immediate tenants and his own domains. Every new inheritor paid a sum of money, under the name of a "relief," to his lord on his investiture; while every tenant paid a fine for leave to alienate his fief. This, however, was forfeited for breach of the contract; and it escheated, that is, fell to the lord, when the descendants of the first grantee had either become extinct, or, by any offence, incapable of inheriting. It was a natural arrangement in such circumstances, though it grew to be an intolerable grievance at last, that the

lord should be the guardian of his minor tenants, and should have the disposal of his wards, female as well as male, in marriage. The right of the most petty chief to lead his vassals against their neighbours was unquestioned. Private wars raged constantly. All the military tenants were, directly or indirectly, bound by an oath of fealty to the crown; but the obligation was frequently eluded, and revolts were of constant occurrence. The king, though lord paramount, was often by no means the most powerful lord. William governed more men and a larger territory than the Capetian prince, to whom he was bound to do homage. A feudal kingdom was a confederacy of a numerous body of lords, living in a state of war with each other, and of rapine towards all mankind, and in which the king, according to his ability, or incompetency, was either a cypher or a tyrant, and the great mass of the people were in a condition of slavery. Had the feudal system not existed before, the circumstances of William's conquest would have been sufficient to produce it. It was, however, more easy to transfer it ready-made to a country where its foundations were already laid.

We have thus endeavoured to sketch a brief and imperfect outline of very singular institutions, which probably produced more misery in their first vigour, stirred up more energy in their course, and left behind them more good when the waters had dried up, than any other system upon which the human race has been governed. The moral and political influence by which they gave a peculiar character to society and government in Europe will often present themselves for contemplation in the sequel.

WILLIAM THE SECOND, surnamed "the Red," which the monks translated "Rufus," the Conqueror's second son, flew from Rouen the moment the breath was out of his father's body; and, by that monarch's destination,

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as well as by the influence of Lanfranc, was proclaimed and crowned king of England at Westminster, within seventeen days after the death of the Conqueror. By the advice of the primate, he distributed his father's hoards in the manner thought most likely to repair some of the effects of his crimes. Robert, who was absent in Germany, on receiving the tidings from Rouen, hastened to return to that city, where he was joyfully received, and peaceably proclaimed as duke of Normandy. Inflamed by the complaints of Anglo-Norman visitants, and by the instigation of his uncle, the restless Odo, he encouraged a revolt of the new English nobility against William, which became very general. The latter were not yet reconciled to considering their native country as a separate and foreign land. They naturally apprehended war between the brothers; an event very inconvenient to a body who held land in both countries. Mowbray, earl of Northumberland, Bigod, earl of Norfolk, Montgomerie, earl of Shrewsbury, with several military prelates, revolted in their different counties. Odo strengthened himself in the castle of Rochester, commanding the important county of Kent, where duke Robert was to land. The alarm was so great, that William called in the aid of the English. "The Englishmen," says the Saxon Chronicle, "went to the assistance of the king their lord. The Englishmen who guarded the sea met some men sent by Robert to prepare for his own expedition. They slew many, and drowned more." Their hopes of succour thus being cut off, the Norman chiefs were compelled to fly, or to submit. William loaded his new allies with thanks and promises, and from that moment they began to rise in consequence. Contested titles and a disputed succession obliged him and his immediate successors to make concessions to a people so much surpassing the conquering nation in numbers. These sources of terrible evils at the time to England became

the causes of its final deliverance. William carried the war into Normandy, and more than once imposed hard conditions of peace on Robert, a man of mild temper and irresolution, whose occasional kindness and generosity proved in such an age as ruinous to him as his rage. An anecdote is told of his disinterestedness. Henry, the younger brother, held out fortresses in Normandy against the king and the duke. Besieged in St. Michael's Mount without the necessary supply of water, he appealed to the compassion of his brothers, proposing to decide their disputes by a more generous warfare. Robert yielded. William smiled at his pity, and doubtless saw in it the means of his own aggrandisement. His government of England seems to have been an union of rapacity with prodigality. The kingdom was plundered to extort the means of ministering to his gross pleasures, and of enriching his worthless favourites. He waged an ineffectual war against the Welsh; whom, after the example of his father in the case of the Saxons, he termed rebels. Some modern writers have unworthily laboured to extenuate his rapine because it comprehended the clergy; as if it was no fault to oppress Lanfranc, to whom he owed the crown, and his successor Anselm, one of the most learned and virtuous men of his age. England, by his accession, only exchanged a wily and wary tyrant for an unrestrained and licentious youth. Even the Saxon chronicler, biassed as he must have been by the alleviation of the prospects of his countrymen, declares William Rufus to "have been loathed by nearly all his people, and odious to God." His death was, in some measure, suitable to his character. One Sir Walter Tyrrell shot him accidentally, with an arrow, in the New Forest, the scene of his father's desolating tyranny, in the midst of noise and confusion, probably increased by intoxication, and while engaged in those sports to which his family had sacrificed human victims.

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Some years before, Robert had mortgaged to him the duchy of Normandy, to enable him to join the holy war then about to be levied, to punish the Mussulman rulers of Syria for the cruelty, insolence, and ignominy which they had long inflicted on the Christian pilgrims who repaired to the sepulchre of Christ. These pilgrimages to the holy places at Jerusalem had long been regarded as a wholesome discipline, and an acceptable worship from the earliest ages of the Christian church. The Arabian 'caliphs encouraged them, as a source of revenue; but the Turks, irreclaimable barbarians, impelled by a dire fanaticism, imposed burdens altogether intolerable on the pilgrims. The cries of these consequently had long resounded through Christendom. Peter, a hermit of Picardy, had been an eye-witness of their sufferings. He painted them vainly to the great, but with effectual though plebeian eloquence to the people. He thus obtained that power which always crowns the exertions of the patient enthusiast; and, after many disappointments, was called to the aid of the sovereign pontiff, in kindling the zeal of Europe against the robbers and bigots who oppressed Palestine. Pope Urban II. convoked a general council at Clermont in Auvergne, to which he addressed an oration of no contemptible eloquence, and with topics of persuasion skilfully adapted to the feelings of his audience. The substance of this oration, which was a written one, is preserved by William of Malmesbury, who assures us that he has retained parts of it unchanged. "Go!" said Urban, "with confidence, to attack the enemies of God. The cause of your labours will be charity (that is, piety joined to benevolence): the wages of charity will be the favour of God: the favour of God is followed by eternal life. They have usurped Asia, the greatest part of the globe, where sprang up all the branches of our worship, and which the apostles have consecrated by their martyrdom. They usurp even the sepulchre

of our Lord, and sell admissions to that city, which ought above all others to be open to all Christians. The Turks and Saracens oppress even Spain, a noble part of our own Europe. They threaten the rest. Let such as will fight for Christianity put a red cross upon their garments, as the symbol of the Redeemer's sufferings, as an outward sign of their own love. Go, and employ in noble warfare that valour and sagacity which you waste in civil broils. Do you fear death? Death hastens the entry of the good into their country: death hinders the ungodly from adding to his wickedness." While the exhortations of the hermit Peter were not yet forgotten, the pulpits of every country re-echoed the oration of Urban.

The simple hearts of the people thrilled at the misery of their pious brethren, and burnt with indignation against the unbelieving tyrants. The warlike spirit of the age was set in motion by religion, by glory, by revenge, by impatient valour, by a thousand principles; which, being melted into one mass, were not the less potent because they were originally unlike and discordant. Many of the most illustrious lords of Christendom took up the cross. Old men, women, and children eagerly followed the sacred banner. An army poured in from every country under illustrious captains, of whom the foremost were, Godfrey, duke of Brabant and Bouillon, Robert of France, the brother of Philip, and Robert duke of Normandy, the son and brother of English kings. Bohemond, the chief of the Normans of Apulia, and Raymond, count of Toulouse, led many renowned warriors to Palestine. The tumultuary populace who followed suffered evils unknown to modern war. Even the more regular troops must have endured what is hardly conceivable by men accustomed to civilised and mitigated warfare. Without magazines, without surgeons, with no more discipline than pressed them onwards in a confused mass, they marched into countries



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ravaged by invaders, or exhausted by tyrants, of which they knew neither the local circumstances, nor the language, nor the manners, through climates to which they were utterly strangers, and where they were ignorant of the diseases engendered by the different seasons. Robert duke of Normandy, who led the English and western French, was assisted by Robert, earl of Flanders, and Stephen, earl of Blois. In spite of all misfortunes, Bohemond established himself at Antioch; and after a siege of two months, the ancient and holy city of Jerusalem was taken by assault, with a prodigious slaughter of the garrison. Ten thousand were slain on the site of the temple of Solomon: more were thrown from the tops of houses: many were put to death after resistance had ceased.

Terrible as were these excesses, they arose from the boiling passions of an undisciplined multitude, bearing no likeness therefore to the licence granted by a civilised commander to obedient soldiers when a city is taken by storm. These passions, composed of the union of all that is kind with all that is fierce, of the basest with the grandest elements of our nature, produced a corresponding prodigious variety of deeds. It is hard for a writer, or a reader, more separated by opinions, by manners, and by situation, than by an interval of eight centuries from the victorious crusaders, to form even a faint conception of their state of frenzy, when, sore with wounds, heated by bloody conflicts, and flushed with success, they came to see and handle the ruins of the temple, the holy sepulchre, and all the scenes of sacred story, dear and hallowed in their eyes from infancy; and at the same moment beheld at their mercy the men who had defiled these holy places and had spoiled innocent pilgrims whose only offence was that of worshipping God where He most abundantly had poured out the treasures of His goodness. The gentleness and humility of a religion of forgiveness had on their distempered, yet not, per-

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haps, depraved hearts, more than the power of the loudest cry of vengeance for long indignities and outrages. What wonder, then, if, maddened by confused emotions, in which, perhaps, rising compunction began to swell, they rushed reeking from slaughter to raise their bloody hands in prayer, and to pour forth tears of contrition and affection prostrate before the shrine of their God! The power of the feelings excited by those places which call up the remembrance of revered men, and their noblest actions and sufferings, never could have been greater than it was to the deliverers of Jerusalem; and the subtle links which combine good and bad passions could hardly ever have been stronger.

Godfrey, a hero worthy of everlasting honour, was chosen by unanimous suffrage to be the first Christian king of Jerusalem: Bohemond, the son of Robert Guiscard, reigned at Antioch: Baldwin, the brother of Godfrey, at Edessa; and the count of Toulouse at Tripoli. The Christian sway stretched from the confines of Egypt to the Euphrates, and to the approaches to Mount Taurus. Some of these principalities lasted for nearly two hundred years.

No war is just which is not defensive. By that principle the expeditions for the recovery of the Holy Land must, like all other wars, be tried. It must be owned however, at the outset, that the Europeans of that age did not conform to the technical rules of international law. They did not make a formal demand of reparation for wrong, and of security against danger. They did not enquire whether the possession of Palestine could directly add to their means of defence. Nor did they content themselves with a moderate succour to the Greek empire, as some modern writers have asserted. But, is the disregard of technical rules always attended by violation of their principle? There can be no doubt that embassy and negotiation would have been vain. It was lawful for them to defend the safe exercise of their

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religious worship in Palestine; and it was also for them to determine where they could best defend their violated rights. The avowed principle of all Mahometans, that they are entitled to universal monarchy, a principle consecrated by their religion, and enforced by their law, might of itself be considered as a sort of perpetual declaration of war against states of a different faith. But in the eleventh century this insolent pretension was maintained by arms, with a success the most alarming to Christendom. About that time, Europe in different parts of her frontier showed her sense of danger by beginning to resist the invaders. The expeditions against the northern and Sarmatian pagans manifested, though in an unwarrantable form, the like vague and confused fear. The tottering state of the Greek empire, and the successive invasions from Tatars, renewing the valour and barbarism of the southern Mahometans, combined to threaten the eastern frontier of Christendom. Mahometans acted on one principle, and as one body: Christians were justified in acting, and were compelled to act, with the like union. According to the most rigid principles of international law, an attack by the latter on any Mahometan territory was an act of self-defence: it was the means of securing the aggressor against attack. European rulers could undertake no such perilous enterprise without the hearty and enthusiastic concurrence of their people. Nothing but a strong feeling could have bound together all the scattered power of a feudal force. It was lawful therefore to rouse their spirit against the wrong-doers, and excite a zeal necessary for an effectual defence. The only means by which these ends could be attained was an appeal to the sympathies and religious sentiments of their subjects. These grand springs of human action were brought into play by an expedition for the sake of the pilgrims who could not be really safe without the establishment of some Christian authority in Palestine. No cold repre-

sentation of distant and disputable dangers could have put such masses in motion.

But were not the feelings of the people perfectly justifiable ? Is it true that nations, while they may maintain at the point of the sword every rock and islet of their old possessions, are forbidden to defend the undisturbed exercise of religion, which may — and if real, must — be their dearest and most precious interest ? Assault on their native territory cannot more wound and degrade them than outrage towards what they most reverence. They had acquired, by a usage older than Mahometan power, a right peaceably to visit Bethlehem and Calvary, and their rulers were morally bound to protect that right. As every state may maintain its honour because it is essential to its safety, so Europe had a right to defend her common honour, which consisted in resisting, or averting by chastisement, attacks on her common religion.

It is not true that every war which is disinterested and generous, which is waged against persecution or tyranny, is therefore forbidden by international law. Though it is dangerous to allow too much latitude where virtuous motives may be used as pretexts, yet it is also certain that every nation which supinely contemplates flagrant wrong, weakens its own spirit as well as lessens its own reputation. A just and brave people may be wrongfully deprived of the confidence and esteem of other nations ; but not of the efficacy of remembrances, assuring the world that they who have already fought for justice in the cause of others, may contend more for right than interest in their own. If it is good for an individual to be disinterested, to help the miserable, to defend the oppressed, these virtues must equally contribute to the well-being, honour, and safety of communities.

The European law of nations is well adapted to a body of states of the same general character, and pro-

CHAP. fessing reverence for like principles of justice. In the  
 IV. ordinary wars of such states, its rules are of sacred au-  
 1100. thority. In relations, however, with communities of a  
 different character, and on occasions too new and im-  
 portant to be embraced by precedent, while its principles  
 retain their inviolability, its rules must sometimes yield.  
 It seems morally evident, that whatever a nation may  
 lawfully defend for itself, it may also defend for another,  
 if called upon to interpose. It is true that ambition  
 often converts these principles into pretexts; but am-  
 bition deals in the same manner with all the purest  
 motives of human conduct. Our blame is not in such  
 cases to be lessened; but it is to be applied, not to the  
 principle avowed, but to the hypocrisy and fraud prac-  
 tised under colour of it.

Much doubt has been thrown on these questions by  
 the general condemnation of religious wars. This phrase  
 is equivocal. Wars to impose religion by force are the  
 most execrable violation of the rights of mankind; wars  
 to defend it are the most sacred exercise of these rights.

The long reign of HENRY, called for his learning  
 "Beauclerc," the Conqueror's youngest son, affords few  
 materials for an historical sketch, confined within such  
 narrow limits as the present.

The princes of the Conqueror's family were too im-  
 patient usurpers to be punctilious in paying the  
 honours of sepulture to their predecessors. Henry,  
 who was hunting with his brother at the time of his  
 death, flew to Winchester, on that event, to seize the  
 unsquandered part of the late king's exactions; which,  
 in spite of a faint resistance made by the loyal  
 adherents of Robert, he employed so successfully as to  
 be crowned at Westminster two days after. His  
 partizans set up a fastastic title for him, or rather  
 popular recommendation of his claim, as having been  
 born in England, and that after the Conquest. But

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he himself, in a paper or charter issued on the following day, represents his coronation as having taken place "by the mercy of God, and by the common consent of the barons of the whole kingdom." In that document he restores the rights of the church, promises to require only moderate reliefs from his vassals, and to exercise his powers in wardship and marriage with equity. In the matter of several grievances also, he undertakes to re-establish the usages of the Confessor's reign; and concludes with the remarkable words, "I restore to you the law of king Edward, with my father's amendments." \* However vague and insincere this language might be, the reference to the reign of Edward, the representative of the Saxon system, as the standard of law and government, was an act of conciliation, and indeed of concession, towards the English race, which neither fraud nor force could recall, and which may be enumerated among the best fruits of conscious usurpation.

Henry restored the celebrated Anselm to the primacy, from which he had been driven by banishment in the preceding reign. He most of all paid court to his English subjects by wedding "Maud, or Mold, daughter of Malcolm king of Scots, and of Margaret the good queen, the relation of king Edward, and of the right kingly kin of England." † His nuptials with this beautiful lady were solemnised by Anselm, who also soon afterwards consecrated and crowned her. So general was the confidence in the restoration of native institutions, that a private compiler was induced to draw up a summary of Saxon law, which is still extant under the title of "The Laws of Henry the First;" probably because, in the writer's opinion, that had been restored to validity, by Henry's confirmation, and with a view of propping the latter's infirm title by resting it on as strong a basis as possible.

\* Statutes of the Realm, London, 1810, vol. i. p. 2.

† Saxon Chronicle, sub anno.

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While Henry was taking possession of the throne, Robert was lingering in Italy, on his return from the Holy Land, paying his court to a lady of surpassing beauty, whom he soon afterwards espoused. On learning that event, he hastened back to Normandy; and being once more invited by powerful lords, landed at Portsmouth, with fair prospects of overthrowing an unnatural usurpation, consummated while he was absent on the common service of Christendom. But this credulous prince was doomed to be again the dupe of his crafty brothers. He was persuaded by Henry to consent to a treaty; by which he was to content himself with Normandy, Henry retaining England, but charged with a yearly payment of three thousand marks to Robert. The survivor was to inherit the dominions of the brother who should first die. The only condition in the treaty favourable to Robert, he had the gallantry, or the facility, to waive at the instance of the young queen, his god-daughter, who prevailed on him, on a second visit to England three years after, to release his treacherous brother from paying the scanty price of the crown. Robert, on his return to Rouen, repented of his folly, and either uttered, or was said to have uttered, threats which served the rapacious Henry as a pretext for sending an army over sea against him. The duke, full of courage in battle, but of no fortitude in misfortunes, went to England to throw himself on the mercy of his brother. He conjured Henry by brotherly love, not to refuse peace and friendship to his elder brother, now ready to surrender all. The king, with angry murmurs, turned aside; and Robert, whose spirit was awakened by this unbrotherly repulse, returned to the duchy to try his fortune. Henry pursued him; and after an obstinate conflict at Tenechbrai, in which Robert made the last display of his brilliant qualities as a commander, he was defeated, and sent prisoner to England. His confinement appears at first to have been mild; but, having yielded

to the impulse of nature in attempting to escape from prison, his eyes were by the command of his unfeeling brother put out. After passing nearly thirty years of blindness in several fortresses, he died at Cardiff castle in Glamorganshire, in the eightieth year of his age, and after all the other warriors who had shared with him the glory of rescuing Jerusalem had been laid low. An historian who was the partisan of Henry has celebrated Robert for eloquence and valour, for wise counsel and for military skill equal to any man of his age. "He forgot and forgave too much;" and, as the judicious monk of Malmsbury was doubtless speaking only of offences against the public, it must be owned that such a disposition in a ruler might be a vice. But if he was too trusting and merciful for his age, and too easy for the stern duties of government at any time, he was the only Norman prince who has still some power over the feelings of those who consider the nature of his defects and the cruelty of his fate.

Edgar Atheling was one of the prisoners taken at Tenechbrai. Some resemblance in sensibility, though none in spirit and ability, to Robert attached Edgar to the duke's evil fortune. According to some accounts, as soon as the nephew was firmly established on the Scottish throne, he had joined his uncle Robert in Palestine with twenty thousand men from the British islands. The Saxon Chronicle represents Edgar as joining Robert just before action at Tenechbrai. Henry imitated the policy of his predecessors by humbling this prince by another pardon. After this momentary glimpse he disappears altogether from history.

Sibilla, the good and fair spouse of Robert, did not live to witness his worst fortunes. Their son William, when a child of five years, was brought before Henry at the surrender of Falaise, sobbing and crying for mercy. The king, as if making a violent effort to rid himself of evil thoughts, suddenly commanded that the



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boy should be removed from him, and committed to the care of Elie de Saen, a Norman lord. The boy subsequently, however, escaped to the French court; where Louis the Sixth, commonly called "Le Gros," who too late discovered his error in suffering so powerful a monarch as Henry to acquire extensive provinces in France, was eager to patronize a prince who had fair and even just claims on Normandy. Such claims, defeated at the battle of Brenville, were renewed on occasion of a shipwreck, in which William, the eldest son of Henry, and a hundred and forty young noblemen, perished near Harfleur, in consequence of their own disorder, and of the intoxication of the captain and the crew. Prince William would have been saved, if the cries of his natural sister, the countess of Perche, had not induced him to put back his boat to save her. The commander of the ship had almost saved himself by swimming, when, lifting up his head, he asked, "Where is the prince?" On being answered, "He is gone!" the Norman plunged headlong into the deep, and was seen no more. This calamity so much disturbed Henry's arrangements in Normandy, that it occasioned a new insurrection on behalf of William his nephew. The revolvers however were completely defeated by William de Tancarville, chamberlain of Henry. Louis bestowed the queen's sister in marriage on William, investing him at the same time with several of the provinces nearest to Paris which conquest had united to Normandy, and subsequently with the county of Flanders, the greatest fief of the French crown. That fine province, however, he ruled with a precarious and disturbed authority for only sixteen months. A prince called "Theodoric," "Thierry," or "Dietrich," landgrave of Alsace, attacked him at the instigation of his uncle Henry, or some other potent enemy. He was preserved from assassination in a singular manner: while on a visit to his mistress at midnight, she unwittingly

dropt tears on his head while she was making a record to the fashions of that age. Henry at this symptom of remorse, as he mistrusted it to be, prevailed on her to disclose a plot which had been laid for murdering him when he should be withdrawing from her apartment. But he escaped from that foul attack only to receive his death-wound in open warfare shortly after at Alost. The tidings of his early death must have soon followed those of his brief imprisonment in the dungeon of his blind and aged father.

Henry on this, and on some other occasions manifested somewhat of that forbearance towards the vanquished which was slowly stealing into the fierce manners of the German nations, a part of the system of chivalry, which there will be occasion for more fully considering hereafter. But it was a generosity exclusively confined to high-born dames and noble warriors. It never stooped so low as justice and good faith towards men in general. Henry set at naught his own charters, and violated his promises without shame. It is not easy to describe the sufferings of this land, from manifold and never-ceasing wrongs; wheresoever the king went, there was full licence to his company to harrow his wretched people, oftentimes with burnings and slaughter.\* His exactions were cruel in the amount and in the means used to raise them. As justice was a source of revenue, judicial murder was a frequent instrument of extortion. — "The Norman clergy in that reign," says the contemporary Eadmer, "were more wolves than shepherds. No virtue nor merit could advance an Englishman." To be called an Englishman was an insult.

Nor did the prospect of the succession, for the greater part of Henry's reign, hold out any hope to the proscribed natives. "Maud, the good queen," or Mold, as she was long called by the English poets, had died in

\* Saxon Chronicle, sub anno.

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the year 1118, with the sad reflection that she had sacrificed herself for her race in vain. William, her degenerate son, openly declared that if he ever ruled England, he should yoke the Saxons to the plough like oxen. From such premature insolence (for he was drowned in his seventeenth year), he would probably, if he had lived, have proved one of those youthful tyrants to whom cruelty is sport. Henry's next marriage was with a daughter of the duke of Lovain. But the union proving unfruitful, his hopes of succession were centered in his daughter Maud, the widow of Henry the Fifth by whom, however, she had no issue. The emperor had bestowed on this lady at an early age the apparently important office of regent of Italy. Henry regarded her with an affection, which is one of the few pleasing traits in his character. He called a great assembly of prelates and nobles, who swore fealty to her if the king should die without issue male. He gave her in marriage to Geoffrey Plantagenet, eldest son of the earl of Anjou, in order to detach that powerful lord from the interest of the French king, and from the cause of William Fitz-Robert. This marriage with a hostile neighbour was unpopular among the Norman barons; but the king, at another general council, where she was herself present, caused his nobility to renew their oath of fealty to her. She was soon after delivered of a son, who, on a solemn occasion, also received their oaths of fealty. Two more sons born to his darling daughter promised stability to the order of succession which Henry had established, while the overthrow or extinction of all his competitors appeared to secure a quiet old age to the victorious monarch, when a surfeit of lampreys terminated his life in the sixty-seventh year of his age, and in the thirty-sixth of a reign so agitated that he had passed no more than five years of unbroken quiet in England.

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The support given by Louis "le Gros" to Robert and

his gallant son, as well as to the malcontent nobles of Normandy, may be considered as the earliest preliminary wars undertaken to preserve such a balance in the power of neighbouring states, as that one or a few may not acquire the means of oppressing the rest.

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STEPHEN, earl of Boulogne, was the second son of Stephen, earl of Blois, by Adela, the daughter of the Conqueror. The empress Maud and her three sons not to mention his own elder brother, Theobald, earl of Blois, stood between the new king and all hereditary pretensions to the English throne. He had had a quarrel with Robert, earl of Gloucester, the late king's natural son, for the honour of being the first of the laity to swear fealty to Maud. Henry had obtained for him in marriage the only child of Mary of Scotland, sister of the "good queen Maud," by which he had become earl of Boulogne. In spite of his oath, and with no pretension of any sort, he hastened to London, where the populace received him with acclamations, such as they are apt to lavish on beauty, bravery, and prodigality. His brother obtained the consent of the archbishop of Canterbury, by suborning witnesses to swear, that Henry had on his death-bed disinherited Maud, declaring the pretender his successor. By these and other flagitious expedients, Stephen managed to be crowned and anointed king of England.

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In the beginning of the charter, which, in imitation of his uncle, he issued immediately after his coronation, with an unparalleled variety of jarring titles, he described himself as having been, by the grace of God, and the consent of the clergy and people, elected king of England, as well as consecrated by William, archbishop of Canterbury, legate of the Holy See, and confirmed by Innocent, pontiff of the apostolic church of Rome. This charter, like the former, promises ample redress of grievances, granting to the people all the good laws and customs subsisting in the time of king Edward.

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IV. life and property, was now become the object of con-  
1135. tests, as unvarnished by a pretence of right as the con-  
flicts of rival gangs of banditti. Stephen prevailed over  
the empress, because, Boulogne being nearer to London  
than Rouen or Anjou, he could spring more quickly on  
his prey. But the suspension of all hereditary succession  
for fourscore years, even in the case of the Norman dy-  
nasty, made amends for its immediate evils by guarding  
the people from the slavish prejudice that government  
is a descendible property; without blinding them to the  
inconveniences of election in the case of an office, the  
competition for which stirs up passions so violent that  
there is perhaps as little likelihood of good appoint-  
ments, from the modes of election known to us, as even  
from a succession dependant on the chance of birth  
itself.

“In this king’s time,” says the Saxon chronicler, “all  
was dissension, evil, and rapine. Against him soon rose  
rich men. They had sworn oaths, but maintained no  
truth. They were all foresworn and forgetful of their  
troth. They built castles which they held out against  
him. They cruelly oppressed the wretched men of the  
land with castle work. They filled the castles with  
devils and evil men. They seized those whom they  
supposed to have any goods, men, and labouring women,  
and threw them into prison, for their gold and silver,  
inflicting on them unutterable tortures. Some they  
hanged up by the feet, and smoked with foul smoke;  
some by the thumbs, or by the beard, and hung coats of  
mail on their feet. They put them into dungeons with  
adders, and snakes, and toads. Many thousands they  
wore out with hunger. This lasted the nineteen years  
while Stephen was king, and it grew continually worse  
and worse. They burned all the towns: thou mightest  
go a day’s journey, and not find a man sitting in a town,  
nor an acre of land tilled. Wretched men starved of

hunger : to till the ground was to plough the sea.\* This description of a contemporary comprises by far the most important part of that confused alternation of anarchy and tyranny which we are compelled to call the "reign" of Stephen. It perhaps contains the most perfect condensation of all the ills of feudalism to be found in history. The whole narrative would have been rejected, as devoid of all probability, if it had occurred in fiction.

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In the first year of his reign, Stephen was only disturbed by the revolt of Baldwin, earl of Exeter, and by a Scottish irruption in support of Matilda, by her uncle David, the able and virtuous prince of rude and fierce people. The Scottish king was defeated on a second invasion, after the famous "Battle of the Standard," near Northallerton, of which some characteristics are to be found in the Scottish history of Sir Walter Scott.†

The commanders in that battle, who had lost no part of the Norman insolence, addressed their brother captains as "Illustrious chiefs of England, by blood and race Normans, before whom bold France trembles, to whom fierce England has submitted, under whom Apulia has been restored to her station, and whose names are famous at Antioch and Jerusalem!" The language in which the Norman writers describe Scottish

\* The anonymous continuator of William Abbot of Jumieges closes his account of the Normans at the accession of Stephen. Ordericus Vitalis, an Englishman, born within three miles of Shrewsbury, about four years after the Conquest, who passed near sixty years as a monk in the monastery of St. Evroul en Ouche, brings down his *Historia Ecclesiæ Normannorum* only to the year 1140. Eadmer, the scholar and friend of Anselm, concludes his *History* with 1122, so that in the confused reign of Stephen we particularly want contemporary evidence. The *Gesta Stephani* are by an un-

known contemporary. The beginning of his work singularly coincides with the *Saxon Chronicle*. Both seem better to express the universal misery by language of general horror than would be possible by examples.

I am informed by my learned friend Mr. Price of Bristol, who is about to give us the first critical edition and accurate version of the *Saxon laws*, that the original *Saxon* of the passage in the text is of a metrical structure; a curious circumstance, which, however, does not seem to me to lower its credit as a work of the twelfth century.

† See Advertisement.

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invasion is somewhat unaccountable in the mouths of Stephen's subjects:—"They exercised their barbarity," says one writer, "in the manner of wild beasts. They spared no one. The helplessness of childhood and that of old age were equally ineffectual securities against their cruelty. They put pregnant women to death by tearing the unborn infants out of the womb with their swords."\* "The king of Scots," says another writer, "was a prince of gentle disposition; but the Scots are a barbarous and impure nation; and their king, leading great bodies of them from the remotest parts of his country, was unable to restrain them."†

While these events were passing in the North, Stephen reduced Normandy, thereby greatly strengthening his power in England. He was reinforced, also, by a considerable band of Breton and Flemish soldiers, which he had hired and brought with him to the island. The leader of Matilda's party was Robert, a natural son of the late king, who had become earl of Gloucester, by marriage with the heiress of Robert Fitz-Haymon, a distinguished follower of the Conqueror. This chief, the most conspicuous of his time in peace and war, now prepared to assert the legitimate claims of his sister. He conducted her into England this year. After many battles, of which we know but little but the misery which they brought on the people, the army of the empress Maud defeated Stephen near Lincoln. "He was taken prisoner: she was then declared queen; and she provided so ill for the instability of fortune as to send him in irons to prison at Bristol." It is a prevalent opinion among old, but not contemporary, writers, that the clergy, who had hoped to purchase the aid of a

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\* Ordericus Vitalis, lib. xiii.

† Gesta Stephani Duchesne, p. 939. This description, which, I fear, must comprehend my Highland forefathers, forms a melancholy contrast to the account of them

ascribed to Ossian in the reign of Severus, but calls up very consolatory reflections in the minds of those who know their honest and brave descendants in the present age.

usurper cheaply in the contest then carrying on against the civil powers, were so disappointed in their hopes from his flagrant usurpation, that they became his enemies, and contributed mainly to his downfall. On her arrival in London, Matilda was joyfully welcomed by the citizens. Maud, the wife of Stephen (for there were three royal ladies of that name), made humble suit for the liberty of her husband, offering that he would resign all claims to the throne, and retire into private life. This petition was rejected in terms of reproach. The citizens of London also made suit that the laws of king Edward might be restored, and the harsh changes of the Normans abolished. The empress manifested such high displeasure at this prayer, that the citizens began to think of bringing her to reason by the same duress from which she had refused to release Stephen. Warned of this intention, she fled from the city by night, establishing her head-quarters at Oxford. The indignant Londoners joined the king's party at Winchester, and by their aid her army was utterly discomfited. Feigning herself dead, Matilda was conveyed in a hearse to Gloucester. Her brother Robert was made prisoner; and his liberty, of more value to his party than that of most kings, was purchased by the enlargement of Stephen. The escapes, stratagems, and vicissitudes of a war so tumultuary, might have been interesting, if they could have been related tolerably in the midst of such confusion. The empress fled from Oxford when besieged there, in the depth of winter, dressing herself and her attendants in white, when the earth was whitened by snow. In every town and village the factions of the "royalists" and "imperialists" (as the party of Matilda might be called) had almost daily conflicts. Families were ranged on opposite sides: brother met brother in the shock: fathers embroiled their hands in the blood of their sons: order existed nowhere: fear and disappointment made men change their party, according to favour or hope. The

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CHAP. bands led by Stephen were no otherwise distinguished  
IV. from the others than by the audacity with which his  
1150. Flemish mercenaries encouraged him to assault and destroy the magnificent monasteries, from an attack on which those who were the most enured to rapine, but who still dreaded the guilt of sacrilege, had previously recoiled with horror.

This miserable warfare raged, with little mitigation, till the year 1147, when Matilda returned to Normandy. Thenceforward for two years the country seems to have been permitted to breathe more quietly.

Henry "Fitz-Empress" then revisited England, where he was knighted by his uncle David, king of Scotland. The claims of his mother were strengthened in him by his sex and his age. By the decease of his father, Geoffrey Plantagenet, he had succeeded to the territory of Anjou: Normandy he held in the name of his mother. With more of policy than delicacy, he had married Eleanor, duchess of Aquitaine, one of the most considerable sovereigns of Europe, whose dominions extended from the Loire to the Pyrenees, but who had been repudiated by Louis "the Young" for aggravations of vice before unknown even to the dissolute amours of the crusaders' camp. The young duke of Normandy, however, espoused her within six weeks of her divorce; and thus became lord of western France, from the confines of Flanders to the borders of Spain. Both the competitors for the crown of England essayed their arms on the continent:—Eustace, the only survivor among Stephen's sons, overran Normandy; but Henry, who had expelled his own brother Geoffrey from Anjou, speedily recovered the duchy; and, having made peace with Louis, who too late repented a fastidiousness which had cost him the vast territories of Aquitaine and Poitou, was at liberty to turn his whole force against Stephen. The armies came in sight of each other at Wallingford. Both parties, however, weary of the dreadful scene in

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which they had been for many years engaged, laboured to persuade each their respective chiefs to make peace. The earl of Arundel had the boldness to think, and to say, that it was not reasonable to prolong the calamities of a whole nation on account of the ambition of two princes. The two leaders in a short conversation across a narrow part of the Thames, agreed to a truce, in hopes of negotiating final peace.

The prospect of peace, however, seemed likely to be marred by the ambition of Eustace, a youth of seventeen, whom the archbishop of Canterbury, by the advice of the Pope, had, a short time before, refused to perpetuate his country's miseries by crowning. Offended and alarmed by the truce, he reproved his father coarsely for such an agreement; and in a furious rage, left the court, scattering far and wide the firebrands of war, and rekindling a flame which no man might have had the power to extinguish. He began by ravaging Cambridgeshire; and being established at the princely abbey of St. Edmund's Bury, he commanded the country round about, including the lands of the abbot, to be laid waste, and their fruits to be brought for his use into the abbot's granary. As he was sitting down to a feast, however, he was suddenly seized with a frenzy, of which he soon died: owing, in all likelihood, to an inflammation of the brain, the fruit of habitual intemperance, and frantic passions.

The principal obstacle to concession being thus happily removed, Stephen no longer persevered in a vain resistance to the just demands of the most powerful of Western princes. A common council of the kingdom was held at Winchester, where it was agreed that Stephen should retain the crown during his life; that he should adopt Henry, who was declared to be his successor; and that William, another son of Stephen, should, on condition of swearing allegiance to Henry, have a large appanage, of which the city of

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Norwich was to be a part. Stephen was also to succeed to his patrimonial earldom of Boulogne. But the boisterous life and wretched reign of Stephen was soon after brought to a close. He deserves no other reproach than that of having embraced the occupation of a captain of banditti. If that were a legitimate profession, he must be owned to have possessed many of its best qualities; valour, attachment, prodigal generosity, and sometimes even mercy. Inferior as he was to the Robin Hoods and Rob Roys which are exhibited to us by the hand of genius, he nevertheless probably had better qualities than the real persons who bore those names.

HENRY PLANTAGENET ascended the throne without an adverse murmur; and his accession was hailed with more hope than even that usually excited by young kings, as the most potent prince of his time, about to employ his youth and power in composing the long disorders under which England had so long been suffering.

The invasion of Ireland, the most memorable event of Henry's reign, will be related by Mr. Moore; and the great advantages which he obtained over Scotland are sufficiently touched upon by Sir Walter Scott.\* On the provinces occupied by such historians no prudent writer would choose to encroach; and as two leading topics of the common histories of England are thus happily detached from it by the plan of our series, it will be sufficient to take this opportunity of warning the reader to expect no narrative of Scotch or Irish affairs in the sequel of this historical summary. The wars of Henry in France do not deserve any long recital at our hands. His contests with the Church, an important part of the history of every European country in the Middle Ages, are still deserving of consideration. The progress of law and government, though, to be understood entirely, they must be studied in works more peculiarly dedicated

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\* See Advertisement.—Ed.

to that subject, elsewhere, cannot even here be overlooked; and the domestic misfortunes which embittered the declining years of an able and powerful monarch afford lessons of signal instruction, even though there may be little to give them a claim to compassion.

The coronation of Henry and of Eleanor was solemnised with splendour soon after his arrival from Normandy. A charter was issued confirmatory of that of his grandfather, passing by in silence the acts of Stephen's tumultuary usurpation. His first measures were those of a vigorous reformer. He took possession of the fortresses usurped during the late confusions; levelling with the ground many strongholds erected without warrant of law, and more for the purpose of rapine than of security. He commanded by proclamation all the Flemish mercenaries of the late king's army to depart from the kingdom on pain of death. He was not deterred by the abused titles of earls and barons, lavished by that prince on his turbulent followers, from resuming the lands and honours received by them as wages for their share in oppression and ruin. "He reformed the adulterated coin," says an ancient historian\*, ignorant of the import of these momentous words, and as little aware of the effect of adulterating, or even reforming, the coin, in spreading disorder and suffering among mankind, as he was of the existence of the mighty powers of electricity and steam; referring therefore, with even the more enlightened for many ages, facts alarming or afflicting to causes quite other than the real ones.

The king did homage to Louis the Seventh for Normandy, Aquitaine, Poitou, Anjou, Touraine, and a long train of other dependent territories; thereby rather awakening the jealousy, than flattering the pride, of his lord paramount. For less than a tenth part of modern France was subject to the immediate and effective authority of Louis; while the French dominions of

\* Roger de Hoveden, p. 281.

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Henry extended over more than a fifth of that great country ; including the whole Atlantic coast, important both in itself and for its communication with England. Both these princes were equally "French:" both therefore equally acceptable to the "French," and, perhaps, to the ruling part of the English, nation. Henry's strength enabled him safely to assume the deportment of a vassal ; and, often by address and insinuation, to dispense with the use of superior force in his dealings with his liege lord. A great hereditary office of the French crown, which he held in right of Anjou, afforded him legal means or pretexts for exercising Louis's prerogatives without any reference to that monarch ; and he was too wise to weaken his authority over his own vassals by the example of a needless breach of feudal duty to the king of France. The interview for doing homage was employed by Henry in disposing Louis to acquiesce in his stripping Geoffrey, his younger brother, of Anjou, the appanage settled on the latter by their father. As soon as Geoffrey had been compelled to accept a pension instead of his principality, Henry made a progress, of policy as well as of magnificence, through his Aquitanian dominions ; receiving the fealty of his greater vassals, in a great council held at Bordeaux. On the death of Geoffrey he further enlarged his dominions, setting up a doubtful claim of that brother whom he had robbed of his legitimate patrimony. "Charles the Simple" appears to have granted to Rollo whatever supremacy the Carlovingian family had exercised or claimed over the country of the Armorican Britons ; so that the lords of Brittany were considered as vassals of Normandy, and only through it feudally connected with the crown of France. The infidelity of an Anglo-Norman lady involved Brittany in a civil war, which lasted for half a century. Duke Conan the Third, who had espoused and long endured Matilda, the natural daughter of Henry I., declared on his deathbed

that her children were illegitimate. During the contests occasioned by this unseasonable confession, the inhabitants of the county of Nantes, the most opulent part of the Armorican peninsula, unwilling to follow the fortunes of the Celtic race in Lower Brittany, had chosen Geoffrey Plantagenet, as a neighbouring prince, to be their count; and Henry now claimed Nantes as heir to Geoffrey, affirming that he alone, as duke of Normandy, had any right to take cognisance of pretensions to the succession of his vassal. Henry's claim to the county of Toulouse is another curious specimen of the pettifogging pretences for aggrandisement prevalent in that age. William, duke of Aquitaine, grandfather of queen Eleanor, had married Philippa, the only child of the earl of Toulouse, and heiress, if it had been inheritable by females, of that great territory. The father, thinking apparently that it was not so inheritable, had mortgaged it to his brother, who was the male heir, and who, with his family, continued though not in unquestioned possession of a province perhaps larger than the domain of the Capetian kings, for many years. The non-prosecution of claims by powerful competitors is, perhaps, a better evidence of the general opinion of their pretensions than could have been afforded by absolutely undisputed possession. Louis, whose succour was now implored by his brother-in-law Raymond, the reigning count, did not on this occasion allow himself to be cajoled, but threw himself into Toulouse, to resist the very title under which he had himself claimed fourteen years before. Henry collected a great army, introducing for the first time the practice of "scutage," or commutation for military service in money, the proceeds of which on this occasion he employed in hiring large bodies of the then famous soldiers of the Low Countries. Under pretence, however, of delicacy to the lord paramount, he forbore to press the siege of a city in which the French king was present; contenting himself with

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reducing some inferior towns, and laying waste indifferently territories of Louis and Raymond. The individual left in command of the English troops before Toulouse, and thus, according to modern notions, so singularly employed, was Thomas-à-Becket, archdeacon of Canterbury, and lately raised to the office of Chancellor. This remarkable person had been appointed in the preceding year to negotiate a treaty, in which Louis agreed to the marriage of Margaret his daughter, by Constance of Castile, then an infant of three months old, with Henry's eldest son, who had reached the more advanced age of three years. Becket had conducted the royal infant to London, where Henry caused the espousals to be solemnised before the term agreed on; doubtless with a view, by this early celebration of the nuptial ceremony, to secure a claim to the crown of France if Louis should have no male issue by his second consort, the exclusion of females by the Salic law being at that time apparently either unknown or disregarded. Henry had been so careful an observer of the decorums of vassalage that he declared himself at war only with the count of Toulouse; so that it became no difficult matter for Pope Alexander the Third to restore the appearance of amity between the two monarchs, who both acknowledged his authority, in preference to that of the anti-pope Octavius, who was supported by the emperor Frederick Barbarossa.

Shortly after their reconciliation an occurrence took place which proved the most vexatious event of this reign, and which necessarily withdraws the attention of the historian, as it did at the time that of the actors, from the relations of England with foreign states. This was the elevation of Becket to the archbishopric of Canterbury. The time had now come in which England was to succeed to her share in that memorable contest between the Church and the State which had agitated all Christendom for a century, which had shaken Germany

and Italy to their foundations, and from which the Capetian kings had hitherto owed their escape only to the smallness of the territory subject to their sway. Enough has been said already on the ingenuity and address by which the papal system, indirectly extending to civil as well as ecclesiastical affairs, gradually acquired its authority over the minds of men, until it at length broke out into deeds of violence and usurpation.\* To bring the pretensions of that system to trial, it was necessary that a difference should arise on some minor question, bringing into discussion the nature and consequences of excommunication. This opportunity was supplied by the famous dispute about "investitures," or the question whether it was lawful for lay sovereigns to invest prelates with the crosier and the ring, as badges of the fealty and allegiance by which they held the temporalities of their dioceses. Usage varied: law on the subject there was none: opinions differed so widely, that it was hard to find any common principle of reason to which the contending parties could appeal. The most regular and approved form of episcopal election, however, appears to have been, that the clergy and people of the diocese should conjointly choose the bishop, with the knowledge and consent of the Emperor; a form of speech which, if not altogether unmeaning, involves in it the necessity of the approval of the latter. When under the

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\* Readers, whether Catholic or Protestant, who are solicitous to form a right judgment concerning the disputes of ancient times, cannot be thought to do their duty without the perusal, at least, of those parts of the excellent Discourses of the Abbé Fleury which relate to this subject. The whole of the third discourse is a perfect model, not only of method, perspicuity, and knowledge, but of the higher and more rare qualities of integrity, charity, firmness, and moderation. His observations on the

attempt of Adrian II., and especially on the doctrines of Gregory VII., are particularly worthy of all praise. He has well earned by them the right to make the following just reservation on behalf of his own church:—"Il est vrai que Grégoire VII. n'a jamais fait aucune décision sur ce point. Dieu ne l'a pas permis. Il n'a prononcé formellement dans aucun concile, ni par aucune décrétale que le pape a le droit de déposer les rois. Mais il l'a supposé pour constant."



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last Carolingians, and first Capetians, the Church had acquired vast possessions, the bishops became, in virtue of their possessions, vassals of the crown, doing homage, and swearing fealty to their lord paramount, who, on his part, gave them "investiture" of their possessions by putting into their hands a crosier and a ring. This ceremony, however, was previous to consecration. It was not confined to the Emperor, but is owned by the most learned writers of the Roman Catholic church to have been long practised by most Christian princes. It grew into a prerogative of the most important nature, involving as it did a previous negative on every election, and in effect amounting to the ecclesiastical patronage of Europe. As long as a German sovereign continued to call himself "Emperor of the Romans," it was natural that he should deem the choice of the bishops of Rome as peculiarly subject to his authority and dependent on his approval. On the other hand, the bishops of Rome who crowned the Emperor pretended that they had a right to withhold their ministry in that solemnity, and thus invalidate the Imperial election. The power of nomination to bishoprics, for such it was, was converted by the secular princes, especially in the long minority and distracted reign of the emperor Henry the Fourth, into an indecent and scandalous means of raising money, by setting up to sale the dignities and benefices of the church.

Gregory the Seventh (Hildebrand) had availed himself of these flagrant corruptions to aggrandise the Roman See. He excommunicated and deposed that sovereign, causing him to sit at his gate for three days barefooted, and clad in a coarse woollen robe. Under the auspices of Gregory, a council was held, which invalidated all ecclesiastical appointments where the investiture had been received from a layman, denouncing the whole vengeance of the Church against those who should confer or accept such profane titles. Finally, he proceeded, in

the same assembly, to a measure subversive of every power but his own. A decree was passed, as it should seem, in the name of the sovereign pontiff alone, in which, after a long recital of facts, introduced by a solemn invocation of the apostles St. Peter and St. Paul, he deposes Henry, absolving his subjects from their oaths, and in express words raising Rudolph, duke of Suabia, to the imperial throne. Not long after, Gregory died at Salerno, with words in his mouth which strongly evince that magnanimity and sincerity which shines through his extravagant and mischievous usurpations:—"I have loved righteousness, and hated iniquity; therefore do I die in exile." The thirty years following were crowded with the brief and alternate triumphs of the crosier and the sceptre. At last, in an assembly holden at Worms, it had been agreed upon between Henry the Fifth and Calixtus the Second, that the emperor should relinquish the practice of investiture by the ring and cross, as symbols of spiritual power; but should be entitled to superintend the election of bishops, deciding where there were disputes, and investing the bishop-elect with the temporalities of his see by touching him with his sceptre. On the question whether the investiture should precede or follow the consecration, the treaty was silent. It disappointed both parties, who aimed at nothing short of each other's destruction. Hence the long time before they would submit to a compromise; in which, indeed, nothing but weariness could have obliged them to acquiesce. The civil power, after having been for seventy years battered by the artillery of the Vatican, now made one step in advance; for, by rendering the sovereign's investiture necessary, it was solemnly pronounced that there is in every community an authority independent, not only of papal, but of ecclesiastical power.

The controversy respecting "investiture" had considerably agitated England, under Rufus and his suc-

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cessor. The repeated banishment of Anselm, who had faithfully and courageously adhered to what he thought the interests of religion as well as the rights of the Church, were at once the rewards and proofs of his virtue. But before we take a view of the war between the Church and the State in England, we must briefly describe its renewal in Italy, the seat of one of the contending parties, and the prize coveted by the other; where hostilities were waged on a greater scale, and attended, if not by more interesting incidents, yet by more memorable effects. After the peace of Worms, the Empire and the Papacy, worn out by long and fierce struggles, seemed desirous only of repose. It is one of the melancholy features of the history of barbarous times, that it generally exhibits those high faculties and that commanding energy which are capable of blessing mankind, as almost invariably employed in oppressing and destroying them. War is the only scene in which it then seemed possible to put these forth, and kings who were not conquerors were commonly slothful, or immersed in sensuality. The elevation of Frederick Barbarossa to the imperial throne gave a new blow to the quiet of Italy and of Germany.

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Frederick may justly be considered as the greatest ruler who had arisen among the Teutonic nations since Charlemagne; whom he resembled in ability for war and government, in respect for knowledge, in some perception of the use and dignity of legislation, and in the variety of matters in which he employed the unwearied vigour of his mind and body. His first object was to acquire a real authority in Italy, of which lawyers and treaties styled him the sovereign. The two grand obstacles to his purpose were the Pope, requiring his aid, but dreading a powerful deliverer, and the towns of Upper Italy, which, having subdued their own respective petty tyrants without throwing off all nominal connection with the Empire, had revived the spirit and prosperity, and promised once more to exhibit the mental

power, as well as the outward wealth, of the Grecian republics. Frederick subjugated the latter, razing Milan to the ground. After delivering Adrian the Fourth from the republicans of Rome, and putting into his hands Arnold of Brescia, the disciple of Abelard, who had restored the ancient names, at least, of Roman liberty, and whom the unrelenting cruelty of cowardice instantly destroyed, he, twice master of the Imperial City, was crowned emperor of the Romans in the Capitol. He supported two "anti-popes," or prelates not acknowledged by the party finally victorious, and was oftener the enemy than the friend of the legitimate Papacy. At length, despairing, probably, of any longer retaining the allegiance of cities which commonly revolted the moment his feudal militia withdrew, but indisposed to quit his hold on the attachment of Lombardy, he made a peace with the Lombard cities on terms the most advantageous to them. The substance of this important treaty, to which the same rank was assigned for ages, in the public law of Europe, as afterwards devolved on that of Westphalia, is a grant to the towns of all the rights of sovereignty which they had exercised, and a recognition of the validity of all the usages which prevailed among them. It was an acknowledgment of the independence of the latter by their ancient sovereign, who had not yet renounced every shadow of right to the sovereignty of all Europe. Considering the effect of such concessions, the day of the signature of the edict of Constance may be numbered among the most remarkable in the progress of human society. Frederick's career was long after to be closed at the head of a hundred and fifty thousand men, whom he led to the Holy Land to recover Jerusalem from the hands of Saladin. After enduring many hardships, he vanquished all the enemies whom he met, opening the way to Syria; and Saladin himself declaring, that "he should leave it to the emperor and the princes to decide how much territory he might rightfully retain." As

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the army was marching from Seleucia, in Cilicia, the emperor arriving on the banks of a small river called the Salef (the ancient Callicadnus), saw his army and baggage crossing it by a bridge so narrow, that to have waited till the way was open to him would have cost more time than he had patience for. Plunging into the stream, he tried to swim his horse across. The current, however, was strong : it bore his horse along, and when the body of the emperor was brought on shore life had departed from it. "The death of Frederick was bewailed," says the eloquent historian of the Italian republics, "by the cities on which he had inflicted severe vengeance." His army loudly deplored the loss of a sovereign, a general, and a father.

In the Italian wars of Frederick some of those intricate combinations occurred perplexing the judgment, and distracting even the wishes of the spectator. In his labours to re-establish in Germany an order long unknown, he treated the princes of the empire arbitrarily, appearing to exert an absolute power, which he believed himself to have inherited from Constantine and Charlemagne. In Italy, accidental circumstances made him both the enemy of the Pope and of the republican cities. Piety and freedom are natural allies ; but in his reign was first seen the rare union of ecclesiastical power with civil liberty. But from this conjunction arose those parties which tore Italy in pieces for ages. The origin of the famous names of "Guelphs" and "Ghibelines" is singular. A battle had been fought in Suabia between the Emperor Conrad of Hohenstaufen (a family which had only emerged from obscurity within the century) and Welf or Guelph, duke of Bavaria, a member of a house tracing its pedigree to the reign of Charlemagne, and even as far as the invasion of Attila.\* In this battle

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\* The opinion of Raumer (*Geschichte der Hohenstaufen*) has, on this subject, great weight. The marriage of Azo, marquis of Este, with the heiress of the house of Guelph, leaves the German pedigree

the cry of the Imperialists was "Waiblingen," a village belonging to their master, where they had been quartered: that of the opposite army was "Welf," the illustrious name of their leader. Hence "Ghibeline," which is a corruption of Waiblingen, came in Germany to signify an imperialist, and "Welf," or "Guelph," an adherent to the great vassals of the empire, at the head of whom were the "Guelphs." In Italy "Ghibeline" retained its old sense, as a partisan of the Emperor; and "Guelph" naturally slid into the signification of one of the party of the Pope, his principal enemy. The coincidence of interest and enmity uniting the Pope with the republican cities, gave to this latter word some tinge of the more generous character of a lover of liberty. Both these names long survived their original import, or were too slightly connected with them to justify the further prosecution of inquiry into their history.

We must now return from these great continental revolutions to contemplate in England the peculiar phases which the controversy assumed in this country. Thomas-à-Becket, the hero and martyr of the ecclesiastical party, was the son of a citizen of London, as ancient chroniclers tell us, by a Saracen lady, under circumstances which, however romantic, were probably not unexampled during the Crusades. Gilbert his father had made an expedition to the Holy Land, not without view most likely to his calling as a trader. Here he was made prisoner by a Mussulman emir, whose daughter he was permitted sometimes to see; a permission which loses much of its improbability, if we suppose him to have been employed

of that great family in more ancient times in obscurity. Though it be true that genealogy, before the use of hereditary surnames, is very doubtful, yet there certainly are distinguished families, chiefly on or near the Upper Rhine, who carry back their pedigrees beyond the ninth

century, by historical, though not by legal, evidence. The grandeur with which the Guelphs appear at the dawn of history renders it not improbable that they and their undisputed descendants, the Brunswicks, may be numbered among the few exceptions.

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in procuring ornaments for her, and allowed to see a lady so exalted above him from a mixture of convenience and contempt. She asked him about his religion, and whether he was ready to risk his life for his God. "To die," he answered. "Then," said she, "let us escape together." He could not refuse; but either his courage left him, or the attempt failed. He escaped however. Soon afterwards the enamoured damsel also broke her prison, and by repeating the word "London," found her way marvellously by sea and land to that city; where her only resource was crying through the streets "Gilbert," the name of her lover, and the only European word, besides "London," with which she was acquainted. After many adventures, she was at length recognised by the faithful Richard, baptized by the royal name of Matilda, married to her Gilbert, and became the mother of Thomas-à-Becket.\*

This child of a romantic affection was beautiful, brave, lively, and even lettered; and we must not wonder if he plunged into the parade and dissipation of the noble companions who condescended to receive him among their friends. His first preferment appears to have been the provostship of Beverley; but in no long time, he was made, through the influence of Archbishop Theobald, archdeacon of Canterbury, and subsequently chancellor. His manners and pursuits, however, were eminently worldly. When Henry told him that he was to

\* John of Brompton, on whose testimony I fear alone this pretty romance rests, was a writer of the reign of Edward III. Neither Matthew Paris nor Roger of Hoveden, nor, I presume, William of Newbridge, mentions it. Gervas, who has been quoted for it, says only that Becket's mother was named Matilda, a slight corroboration of Brompton. But the latter writer is not contradicted, and the incident is not a very improbable part of the

life of a crusader. Perhaps the strongest objection to the story is the unlikelihood of its being overlooked by so many writers if it had been true. The silence of Robert of Gloucester, who probably died under Edward I., is unfavourable to the existence of the story, as a popular tradition relating to an English saint. Little weight is due to the silence of Peter of Blois and John of Salisbury.

be archbishop of Canterbury, he smiled at the metamorphosis: when spoken to more earnestly, he appears to have been of opinion with the world in general, that the choice could only have arisen from the king's confidence in him as an instrument in his impending contests with the Church. Honour alone was, perhaps, enough to call up a sudden blush at so degrading a view of his character. "Do not appoint me, sir, I entreat you," was his reply: "You place me in the only office in which I may be obliged no longer to be your friend." Thus far his deportment was manly: what followed is more ambiguous. He immediately dismissed his splendid train, cast off his magnificent apparel, abandoned sports and revels, and began to live with fewer attendants, wearing coarser clothes, and eating scantier food, than suited the dignity of his station. That extraordinary changes suddenly manifest themselves, especially in lofty and susceptible spirits like that of Becket, is true: and it is evident, on a merely human view of the matter, that a feeling of honour might have quickly revived his sense of professional decorum, leading to the conclusion, that the only sure way of appearing good is being so. A man of decisive character might seek to secure himself from relapse by flying to the other extreme. Neither his subsequent violence nor the inconsistency of some parts of his conduct should absolutely exclude the milder construction of his motives. Moderation is the best pledge of sincerity; but excess is no positive proof of hypocrisy. But the conduct of Becket has too much the appearance of being the policy of one foreseeing that he was about to carry on war, as the leader of a religious party; and that it was necessary for him to assume that ostentation of austerity, which such leaders have ever found to be the most effectual means of securing the attachment and inflaming the passions of the people. Religion might have acquired a place in his mind which she had not had before;



CHAP. but so alloyed by worldly passions, that it is impossible  
 IV. for us to trust to the purity of his motives. Vulgar  
 1163. ambition was undoubtedly sacrificed by Becket; he lost high office and unbounded favour: he preferred dominion over the minds of men, and the applause of lettered Europe.

Soon after the elevation of the new archbishop, the hostilities between Church and State began. Many instances of the most scandalous impunity of atrocious crimes, perpetrated by ecclesiastics, had lately occurred. The King, incensed at these, which he justly imputed to the exemption of the clergy from secular jurisdiction, the ecclesiastical tribunals having no power to inflict capital, or, indeed, any adequate punishment, called together a great council at Westminster, requiring the bishops to renounce for their clergy an impunity as dishonourable to themselves as inconsistent with law and order. He insisted that every clerk convicted of crime should be degraded and delivered over to the secular power. Finding it difficult to obtain this moderate demand, he softened his language; and asked if they were ready to observe the customs and prerogatives of Henry the First? The Archbishop answered, "Yes; saving the rights and privileges of their order;" one of those reservations which seem specious till it is discovered that they destroy the concession to which they are annexed. The King left them in just displeasure. They followed him, however, to Woodstock, where they assented to the demand without any saving clause; but the Archbishop had not been persuaded to accompany his brethren till the last moment.

Jan. 25, The assembly at Clarendon, called to give the form  
 1164. of law and the weight of national assent to these moderate concessions, seems to have been one of the most considerable that had met under the title of the "Great," or "Common, Council of the Realm" since the Norman invasion. The name of parliament had not yet

begun to be used. But, however difficult it may be to determine the precise nature of this Council, there is no reason to doubt that the fulness of legislative authority was exercised by the King only when present in such national assemblies. The King made his propositions in the form least offensive to the Church, describing them as no more than a recognition and affirmance of the customs and liberties observed in the time of his predecessors, especially the late King. These were contained in sixteen articles, of which the principal were: that all clerks summoned to answer for a crime should come before the King's justices; that if they were convicted, or had confessed, the Church was no longer to protect them; that no ecclesiastical person should quit the realm without the King's licence, and that they should find security, if the King required it, not to delay in going or returning; that all causes not ecclesiastical should be tried in the King's courts; that no ecclesiastical appeals should proceed beyond the Archbishop's court without the King's assent; that all ecclesiastical persons, tenants of the crown "in capite," should follow the King's customs, sue and be sued before his justices, and attend like other barons at his courts till judgment of life or limb should be necessary; that vacant dignities in the Church should be in the King's hands; that he should receive the profits as his seignorial dues; that when the King provided for the vacancy, the election should be made in his presence, and with his assent, and that the person elected should take the oath of homage and fealty to the King as his liege lord. "Thus," says an ancient historian, whose professional prejudices seem on this occasion to have subdued his independent spirit, "was lay authority over all ecclesiastical persons or things, and the contempt of ecclesiastical law, established amidst the murmurs of the bishops, but without resistance from them."\* Becket,

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\* Matthew Paris.

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however, full of contrition for his former acquiescence in the propositions, now did open penance for his culpable weakness. Attempting to escape into France, he was arrested at Romney for an offence against the "Constitutions of Clarendon" as they were called. Having for a time administered the royal domains of Eye and Berkhamstead, he was summoned to account for the rents and profits before a great Council held at Northampton. There he pleaded a release by Henry, the King's son; which was overruled. Sentence having been pronounced, he lifted up the cross which he held in his hand, and with his eyes fixed on it, walked slowly out of the court. On the ensuing night he found means to leave the town; and hiding himself during the day, reached, by night journeys, the port of Sandwich. A small bark conveyed him to Flanders, where he went to pay homage to the Pope, who was then at Sens, and by whose influence he obtained an honourable and secure asylum in the splendid abbey of Pontigny, in Burgundy.

As far as the arguments of the Ecclesiastical party are separable from the Hildebrandine system, already sketched, they are in general founded on an appeal to positive law, rather than on the consideration of what law ought to be. For the immunity of clergymen from civil jurisdiction, the principal authorities appealed to were Gratian, the compiler of the famous Digest of Canon or Ecclesiastical Law, for which he quotes the forged Decretals ascribed to Isidore; a pretended law of Theodosius, adopted by Charlemagne; and a part of a "novel" of Justinian, of which the context proved the nullity. It is true that the spuriousness of these authorities might have been, and probably was, unknown to Becket and his followers, who, with all their power of discrimination and ingenuity, were yet so ignorant of the languages of other countries, of history, and of criticism, that they were incapable of detecting the grossest

impostures. Had the authorities been as genuine as they were supposed to have been, they might have excused a disorderly zeal for privileges enjoyed under laws then in force; but they could never have been considered as standing in the way of a legislature about to adopt measures for rendering the administration of justice impartial and vigorous. If Theodosius, Justinian, and Charlemagne had in reality granted such immunities, it was evidently the duty as well as right of the King and Parliament of England to deliver the people entrusted to their care from the evil as soon as its nature was discovered. The legislature, it is true, chose to give the name of ancient usages to the regulations made at Clarendon. But this was done, doubtless, in order to render them more venerable in the eyes of the people. The clergy probably acquiesced in the fiction as partly meant to spare their feelings; but it was immaterial what view they took of it. The Constitutions derived their force not from antiquity but from "enactment." It may be observed that one of them, which regards "homage" and "fealty," and nearly touches "investitures," follows the spirit of the previous compromise between Henry the First and Pascal the Second, which again extremely resembles the corresponding provisions of the treaty of Worms. No doubt can be thrown upon the merits of this controversy without impugning one of two propositions, both of which seem almost self-evident: that good government requires all orders of men to be equally amenable to the law; and that the legislative power in every commonwealth is bound to provide for such equal distribution of justice.

It is on this, as on most other occasions, much easier to decide on the justice of contending claims than to form a right judgment on the motives of the claimants, or to estimate the political consequences of the success of either party. The object of the Hildebrandists was absolute domination over the laity. The aim of the

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CHAP. King was absolute power over both laity and clergy.  
IV. The means employed by Henry were arbitrary, and often  
1165. odious. Had the sceptre obtained a complete victory, Europe would have been the prey of the men of the sword. Had the crosier been equally successful, the clergy would have established a more lasting, a more searching, and a more debasing, though a more mild and regular, despotism.

Fortunately for Becket, the jealousy dormant between the Kings of France and England disposed Louis and emboldened the Pope to protect the obnoxious exile. When Henry learnt that he had been well received, he sent an embassy of expostulation to Louis, and one no less splendid, of which the archbishop of York was at the head, to justify himself to the Pontiff. The ambassador of Henry complained to the last that their master had been compelled to take measures against the primate for his contumacy in defying the jurisdiction of the national assembly, comprehending as it did all the prelates, in a matter so exclusively civil as an account of the management of the King's lands. They also made earnest suit that two legates should be sent to England to hear the matters in dispute. The Pope however determined that the inferior power should not judge the superior, and therefore reversed the judgment of the barons and bishops, more particularly as confiscating the possessions falsely called the Archbishop's, but really belonging to the see of Canterbury; authorising the primate to exercise ecclesiastical justice on such as should forcibly enter them under colour of that judgment, only exempting the King from excommunication or censure.

Another hostile measure of Henry's was to issue writs to the sheriffs, commanding them to seize all rents and possessions of the primate within their bailiwicks, and to detain all bearers of appeals to Rome till the King's pleasure should be known. He commanded the justices

in like manner to arrest all persons charged with papers from the Pope or Primate assuming to pronounce an interdict of Christian worship in the realm, all spiritual persons or laymen who should adhere to such interdict, and all clerks leaving the kingdom without royal permission.

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Becket was so intoxicated by the favour of the Pope as to declare, that "Christ was again tried, in this case, before a lay tribunal, and once more crucified in the person of his servant." \* Alexander, encouraged by his more secure tenure of power, now intimated to him that he might proceed as he thought fit. Becket immediately went to Vezelai, where, on Ascension-day, when the church was most crowded, he went into the pulpit, and with bell, book, and candle, solemnly cursed all the maintainers of the customs called in England the "customs of their elders." Henry threatened that if Becket, after such an outrage, should be sheltered at Pontigny, he should seize such of the Benedictines' estates as were in his own territories, which obliged Louis to carry the latter with him from Burgundy. Various angry proceedings ensued on both sides, in which Becket's tone rose or fell with that of his patron. Two legates arrived from the Pope, who tried to persuade the parties to a compromise. Henry was for a moment prevailed on to assent to the unconditional return of the archbishop; but, on second thoughts, insisted on adding, "saving the honour of his kingdom," a salvo which Becket understood too well to accept. He agreed, however, to throw himself at the feet of his sovereign, but proposed the necessary reservation of the honour of God and the rights of Holy Church. The two kings being together, Henry said to Louis, "Whatever displeaseth that man is taken by him to be contrary to God's honour; but to show that I do not withstand God's honour, what the greatest and most

\* Matthew Paris, p. 89.

CHAP. holy of his predecessors did unto the meanest of mine,  
IV. let him do the same unto me, and I am contented there-  
1170. with." Whereupon all the company present called out  
"that the king had humbled himself enough." The  
king of France said to the archbishop, "Will you be  
greater than saints, and better than St. Peter?" His  
answer was disrespectfully evasive; all blamed his ar-  
rogance; but when Henry urged Louis to withdraw his  
protection from a man so insolent and contumacious,  
the king of France, who was then beginning to think  
himself near the brink of a rupture with England, an-  
swered, with much appearance of magnanimity, "If  
the king of England will cling so strongly to what he  
calls the customs of his forefathers, he should allow me  
to adhere to the custom of my progenitors, which ever  
has been to protect the fugitive and the exile."

The Pope then, not without misgivings, authorised Becket to proceed to extremities against all offenders, with the single limitation of not including the King by name. The archbishop was not slow in exerting his terrible powers. He excommunicated the bishop of London, causing the sentence to be served on him while the latter was officiating in his cathedral church of St. Paul. He laid the province of Canterbury, including more than three-fourths of the kingdom, under an interdict. But these thunders played harmlessly round a monarch so self-possessed as Henry. Only a few parishes shut their churches; yet the Pope had almost emptied his quiver. Moreover, the two kings were beginning to incline towards peace, which would have left Becket without a protector. A single scruple delayed the accommodation. Becket required that he should be saluted with the kiss of peace, as a pledge of reconciliation. Henry replied that he was withheld by a vow from such an act. On such abject superstitions did the faith and honour of a chivalrous age depend. At length it was agreed to elude the chief difficulty by

silence on the original subjects in dispute, and to require no express submission to the statutes of Clarendon from the refractory Primate.

This pacification was formally announced to the younger Henry, who with the title of "King" governed England, accompanied with a recommendation that both the archbishop, and all those who for the same cause had departed out of the realm, should be allowed to remain in peace, and have all their goods restored in such quiet and honour as they had enjoyed within three months before their departure. Becket returned to Canterbury. After so fierce a contest, before such deep wounds could be skinned over, and when enraged retainers on both sides were exacting implacability from their leaders, the pacification must have been in a trembling condition, requiring the utmost prudence and temper on both sides. The Primate's mind, agitated by distrust and pride, and distracted between fear and satisfaction, must have been in a state to exempt him from harsh judgment. It must be owned, however, that he refused to do what was evidently implied in the general amnesty. He would not take off the whole of the ecclesiastical censure from the prelates, and he refused to take the oath of homage for his barony. The archbishop of York, and the bishops of London and Salisbury, went to Normandy to complain of this breach of the treaty. Tidings, at the same time, reached the court that he had pronounced an entirely new excommunication against one of the King's servants, for acts done in obedience to the King, and before the accommodation. Provoked at this new attack, Henry is said to have exclaimed: "To what a miserable state am I reduced, when I cannot be at rest in my own realm by reason of only one priest; there is no one to deliver me out of my troubles!" Four knights of distinguished rank, William de Tracy, Hugh de Moreville, Richard Britto, and Reginald Fitz-Urse, interpreted these words as commands.

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They accordingly repaired to Canterbury, confirmed in their purpose by finding that Becket had recommenced his excommunications by that of Robert de Broc; and that he had altered his course homeward to avoid the bishops on their way to Normandy. Going to his house, they required him, not very mildly, to withdraw the censure of the prelates, and to take the oath to his lord paramount. He refused. John of Salisbury, his learned and faithful secretary, ventured at this alarming moment to counsel peace. The Primate, perhaps precipitately, certainly not pusillanimously, now thought that nothing was left for him but a becoming death. The knights retired to put on their armour; and there seems to have been a sufficient interval either for negotiation or escape; but the visible approach of peril awakened his sense of dignity, breathing an unusual decorum over his language and deportment. The monks could not prevail on him to be absent from vespers. He went through the cloisters into the church, whither he was followed by his enemies, attended by a band of soldiers, such as they had hastily gathered. They rushed into the church with drawn swords, Tracy crying out, "Where is the traitor? Where is the archbishop?" Becket, who was standing before the altar of St. Bennet, answered gravely, "Here am I: no traitor, but the archbishop." Tracy pulled him by the sleeve, saying, "Come hither, thou art a prisoner." He was advised to flee. Pulling back his arm, however, with such force as to make Tracy stagger, he said, "What meaneth this, William? I have done thee many pleasures. Comest thou with armed men into my church?" "It is not possible that thou shouldst live any longer," called out Fitz-Urse. The intrepid Primate replied, "I am ready to die for my God in defence of the liberties of the Church." At this moment, either by a relapse into his old disorders, or to show that his non-resistance sprang, not from weakness, but from duty, he took hold of

Tracy by the habergeon or gorget, and flung him from him with such violence as had nearly thrown him to the ground. He then bowed his head as if he would pray, uttering his last words, "To God and St. Mary I commend my soul and the cause of the Church." Tracy aimed a heavy blow at him, which fell on a by-stander. The assassins followed up the attack; and though the second stroke brought him to the ground, they did not cease till his brains had been scattered over the pavement.

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Thus perished a man of extraordinary abilities and courage; turbulent and haughty, indeed; without amiable virtues, but also without mean vices; who doubtless believed that he was promoting the reign of justice by subjecting the men of blood to the ministers of religion, but who was neither without ambition nor above the vulgar means of pursuing his objects. That Henry did not intend the murder of Becket may be concluded from legal measures which were in contemplation against him, and from the fact that so sagacious a monarch must have foreseen the mischief which this atrocious deed would bring on him. It is deserving of remark, how many murders were perpetrated in churches in those ages, when they sheltered criminals from justice. Since the period when they began to be considered with reasonable respect only, and to cease to enjoy a discreditable immunity, they have also ceased to be the theatre of such bloody scenes.

The conspirators, despairing of pardon, sought a retreat in the castle of Knaresborough, belonging to Hugh de Moreville, one of their number, and were, after some time, enjoined by the Pope to do penance for their crime, by a pilgrimage to the Holy Land, where they died, and were interred before the gate of the temple. In the meantime a general cry of reproach was raised against the king of England. Louis of France and several of his great vassals pressed the Pope to avenge

CHAP. the cause of religion and humanity. An embassy to  
IV. Rome from Henry with difficulty obtained an audience;  
1173. and as soon as they uttered the name of their master, the by-standers cried out to the Pope, "Will you bear it?" Everything seemed to threaten an "interdict," no longer a mere weapon in the warfare of ambition, but one seconded by the natural compassion and honest indignation of mankind. Henry perceived his danger; and the politic pontiff was more desirous of displaying than of exhausting his power. The latter contented himself with a general excommunication of the murderers and their abettors. Two papal legates held a council at Avranches, where the King made oath on the Holy Gospels and sacred relics, in the presence of the clergy and the people, that he neither commanded nor desired the murder of the archbishop; but submitted thus to purge himself, because the malefactors might have been moved to the perpetration of that profane deed by the disturbance and anger in which they saw their sovereign. He swore also that he would adhere to Alexander as lawful Pope; that he would not prevent appeals to Rome in ecclesiastical causes; and that he would take up the cross in three years, pardon the companions of the archbishop, and restore the possessions of the see of Canterbury. To these promises he made an addition, too vague to be decisive, that he would abrogate all "customs" introduced in his time which conflicted with the interests of the Church. On these terms the nuncios, by authority of the Pope, absolved the King. In the following year Becket was canonised, and Henry made a humiliating pilgrimage to his tomb.

Scarcely had these commotions subsided, when a calamity befel Henry, which, if not as bitterly felt by kings as by private men, falls, at least, as often to their lot. He was now the most powerful of European monarchs. His alliance was courted; his resentment

was dreaded; and the princes who submitted their differences to his arbitrament placed a trust in his justice which might seem perilous, were it not that Castile and Navarre might deem themselves guarded by the Pyrenees against his projects of aggrandisement. The invasion of Ireland, and the recognition of the king of England, though only as its lord paramount, and with no more territory immediately subject to him than the coast from Dublin to Waterford, by Roderic, king of Connaught, contributed more than their due share to the renown of Henry's policy and arms. His escape from the consequences of Becket's murder, with no other sacrifice than that of an evasive renunciation of the statutes of Clarendon, partook little of defeat. In this flourishing state he became an object of personal as well as of political jealousy to his neighbours. A vast confederacy was secretly formed against him. Three of his sons had been successfully practised upon by the confederates: Henry, the eldest, though crowned two years before, was at this period only eighteen years of age; Richard, sixteen; Geoffrey, fifteen; John, the youngest, was a child of five years. Louis VII. often engaged in quarrels with Henry, and, familiar with interference in English affairs by the long negotiations in the case of Becket, found no difficulty in rousing the ambition of young Henry, his son-in-law. That young prince was easily persuaded to consider the grant of some part of his father's dominions as implied in his nominal royalty, and as the only means of guarding him from the degrading mockery of bearing a barren sceptre.

The refusal of the King to comply with any such request threw the ungoverned young man into the hands of the confederates. Unfortunately, Henry's irregular life had raised up a mortal enemy against him in his own house. Eleanor, more incensed at his inconstancy than became one who had herself sinned openly to avow, became the most effective instrument of his enemies.

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CHAP. But parental discord was alone sufficient to have destroyed the affection of the children, even without the  
IV. furious excitements of the mother. Filial gratitude, on  
1173. which Henry perhaps relied, was no restraint; for, as he had given crowns and provinces to his children in their boyhood, in order to strengthen his throne, it was not unnatural that they who were too early used as political tools should grow in time into unseasonable rivals. The conspiracy spread widely. William "the Lion," king of Scotland, was tempted into it by the promise of Northumberland: the county of Kent, a more dangerous bribe, was to be the reward of the earl of Flanders: the earls of Boulogne and Blois were to receive allotments proportioned to their services. The hopes of Louis were, probably, too extensive to be trusted to a treaty. The great barons of Henry's continental provinces fluctuated between the two kings, but were led to the side of Louis by the example of the Anglo-Norman nobility. Brittany, among others, threw herself into the arms of France. That great province, which had never acknowledged itself to be a fief of Normandy, and scarcely owed the seignory even of the French monarch, had fallen to Constance, the daughter and heiress of the last duke, whom, as his ward, Henry had destined to be the wife of his third son Geoffrey. With no other colour than his intention to wed his son to Constance, he proclaimed that prince duke of Brittany, when he was only eleven years of age. The nuptials, which alone could have conferred the title, were not solemnised till eleven years afterwards. Richard, on whom, at the age of twelve, Henry had conferred the duchy of Aquitaine, found the same hostility to his father prevalent in that province which his mother had instilled into his own mind. Both these duchies, influenced by permanent causes, espoused the interest of the princes. The conduct of the youths themselves was that of weak and wanton boys, easily incited to pursue seducing objects,

foolishly astonished at discovering obstacles, overawed for a time by every breath of their father's displeasure, and yet ever and anon relapsing into a mutinous temper, of which they had not sense enough to be cured by experience. The dissensions lasted for two years. Gascony was the seat of civil war: Brittany was in a state of revolt: Normandy assailed by French and Flemings; the southern provinces of England rebelling; the northern overrun and cruelly laid waste by the Scots. The Brabançons, the most celebrated mercenaries of the age, added fresh fuel to the flame by enlisting on both sides. Henry, however, was equal to the trying occasion. His foreign enemies were on all sides repulsed. The king of Scots was defeated, and made prisoner by Ralph de Glanville, afterwards the noted chief justice; and only obtained his liberty by subjecting his whole kingdom to Henry as lord paramount. The French and Flemings were obliged to raise the siege of Rouen. A pacification was at length brought about at Falaise; by which the princes were pardoned, and enriched by new liberalities, with an amnesty to all their supporters.

The kings of France and England having now agreed to join Barbarossa in his expedition for the recovery of Jerusalem, their long jealousies seemed to subside for the present. Henry, the eldest son of the latter, appeared really reconciled to his father. Richard was fully occupied in reducing his revolted vassals in Gascony. But Geoffrey, the youngest son, said, with truth, that the hatred of the children for their father never was thoroughly suspended but by their hatred of each other. Henry proposed to his younger sons that they should take the oath of fealty to their brother, the heir apparent. Geoffrey submitted; but the fiery and furious Richard resented the proposal as an indignity. A horrible war between the brothers was the consequence, in which neither party gave quarter. The young Henry however, whether from fatigue or agitation, died soon afterwards,

- CHAP. suffering under agonies of remorse, which, as they were  
 IV. unhappily regarded as a sufficient atonement, served  
 1189. rather to allure to the perpetration of crimes than to  
 deter from it. But the year following a new feud sprang  
 up between the King and the most turbulent of his sons,  
 Richard, who, as he was now heir-apparent, had been  
 desired by his father to resign Aquitaine to his younger  
 brother. Open enmity, if not active hostilities, followed,  
 which do not appear to have substantially ceased during  
 the gloomy remainder of this active and prosperous  
 reign. Geoffrey beseeching his father to add Anjou to  
 Brittany, Henry refused. The young man accordingly  
 repaired to the court of France, never so heartily re-  
 conciled to Henry as not to be the resort of English and  
 1186. Norman malcontents. There he died, leaving an infant  
 daughter, for whose guardianship, which amounted to  
 the sovereignty of Brittany, the two monarchs prepared  
 to go to war; Henry contending that it was in the im-  
 mediate superior, Philip Augustus that it was in the  
 lord paramount.

A truce however was agreed upon on the mediation of  
 the papal nuncios; and before its expiration, Constance,  
 duchess-dowager of Brittany, was brought to bed of a  
 posthumous son, who was named Arthur, and during  
 whose minority the states chose Constance to be regent,  
 under the protection of Henry. During this time, the  
 restless Richard was renewing his intrigues at the court  
 of France. In spite of new oaths of fealty, he finally  
 forsook his father, accompanying Philip in the invasion  
 of territories which were one day to be his own. Henry,  
 pursued by the too successful Richard, and deserted in  
 his utmost need by his unworthy favourite John, died  
 July 5, at the castle of Chinon, in the thirty-fifth year of his  
 1189. reign and fifty-seventh of his age. Eleanor his queen  
 survived him many years, the fire-brand of his family,  
 in whose eyes the fair dowry of Aquitaine appeared a  
 cover for every crime. She not only stirred her sons to

rebellion against their father, but appeared at the head of their army; on the defeat of which she was taken prisoner in man's apparel, and kept in close custody till the visit of her daughter, the duchess of Saxony, on which occasion, as a becoming concession to the feelings of the latter, her unamiable and guilty mother was released. Popular tradition ascribes her behaviour to jealousy of one Rosamond Clifford, the daughter of a gentleman of Herefordshire, to whom it also ascribes all bodily attractions, and no less engaging qualities of mind. The King is said, or rather fabled, to have provided for the safety of his mistress by building a house for her at Woodstock, the approaches of which formed a labyrinth so intricate that it could not be entered without the guidance of a thread, which the King always kept in his own hands. The queen, according to the same legend, gained possession of the thread, and by means of it destroyed her fair and amiable, though not spotless, rival. Daniel, who has handled these romantic circumstances in verse with elegance and tenderness, omits them, judiciously, in his history, where he contents himself with giving her the epithet of "Fair," which popular affection had made part of her name. If Eleanor was guilty of this crime, it had no palliative from recent jealousy, since the younger son of Henry, by "Fair Rosamond," was twenty years old at the time of the rebellion of the princes.

In the reign of Henry the Second important changes in law and usage were effected, which on this account have been generally ascribed to the administration of that monarch. It is much more probable that they sprang from the slow growth of circumstances, with little aid from rulers, who were perhaps scarcely conscious that any change was going on. In our narrow compass, we can make no further allusion to law than as it relates to politics and government. It is, however, essential to observe, at this step of our progress, that the Roman



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law never lost its authority in the countries which formed the western empire. It was adopted into the codes of the Germanic conquerors, of which several were more ancient than its reformation, or rather arrangement, made by the authority of Justinian. As the Germanic laws were personal, rather than local, the Franks and Burgundians, though inhabiting the same territory, lived each under their own customs. All Europe obeyed so much of the Roman law as had been incorporated with their own usages, when these last were first reduced to writing. The Roman provincials retained it altogether. The only historical question regards, not the obligation of the Roman law, but the period of its being taught and studied as a science. It is not likely that such a study would have been entirely omitted in Roman cities, where there were probably many who claimed the jurisdiction of Roman law. But the jurisprudence in question did not become a general branch of study till after the foundation of universities for systematic instruction in it and other parts of knowledge. It appeared at Bologna, in the beginning of the twelfth century, among the fair fruits of the growing wealth and opening intellect of the Italian commonwealths. It soon made its way to England, where it was taught with applause by Vacarius at Oxford about the middle of the same century, as we are told by his pupil John of Salisbury. The late researches of Savigny and other German jurists on this subject have merited the gratitude of Europe. It was indeed a most improbable supposition, that a manuscript found at the sack of Amalfi, and not adopted by public authority, should suddenly prevail over all other laws in the greater part of Europe.

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At a great council holden at Nottingham, England was divided into six circuits (not unlike the present distribution), each of which was to be visited by three itinerant justices, to bring the dispensation of the laws home to every man's door. This statute, however, like

others, appears only to have given authority and universality to a practice in use before.

In Henry's time also an important attempt was made to abolish the absurd custom of trial by ordeal, and to pave the way for the general adoption of juries, by allowing the defendant to support his right, not only by single combat, but by the grand assize.

In the most hasty view of the period it would be an omission not to remark that John of Salisbury and Peter of Blois, the friends of Becket, were distinguished not only in the learning of their own age, but by an elegance to which it was a stranger. Lanfranc and Anselm, the Italian primates introduced by the Normans, had a considerable place among the founders of the scholastic philosophy. Robert Wace\* of Jersey, probably the first voluminous poet in the northern dialect of French, was reading clerk in the chapel of Henry the First and Henry the Second. He became an important personage in the history of our literature by the composition of metrical romances; that of "Brut," containing the legendary history of the Britons, and that of "Rou," or Rollo, comprehending the more authentic one of the Normans, from the expedition of Rollo to the defeat of "Robert Curt-hose" by his brother "Henry Beauclerc" at Tinchebrai. Yet he does not conceal the character of his writings, in which, says he, "All is not false; all is not true."†

RICHARD THE FIRST was rather a knight-errant than a king. His history is more that of a crusade than of a reign. The exploits and disasters, the perils and escapes, of his adventurous life would afford materials for a romance of chivalry. At the opening of his reign a few words therefore may not be misplaced on that singular system in which he and his fellow-adventurers to Palestine were schooled.

\* Born 1120, died 1184.

† Ne tot mançonge; ne tot voir. *Histoire Littéraire de la France*, xiii.

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In the beginning of the twelfth century, the only powerful body of laymen in Europe inhabited small fortresses scattered over the country, from which they rushed forth in quest of plunder, and to which they returned to secure themselves and their spoils. Never before were so many dwelling-houses called "little camps."\* Access to these was not easy. Intercourse between their respective inmates, except for short orgies, was little known. Young women in that unsafe time were almost as much confined by the care of fathers, as in the East by the jealousy of husbands. The young warrior could but rarely steal a glimpse of damsels of his own age and condition. Hence it often happened that these ladies came to be regarded, at least for a time, with a warmth of passion and depth of admiration unknown to happier times. In an age when men were constantly at war with one another, superiority in valour was naturally the virtue most commanding esteem and applause. The timid female valued it as highly from awe as the sturdy warrior from fellow-feeling. It was the chief source of personal distinction; and a single failure in it carried with it a forfeiture of honour, a prize too bright to be bought by less than the unsullied prowess of a whole life. The excellent virtue of veracity was held in the same honour, and an offence against it followed with the like shame; but was perhaps more admired as a proof of courage, than esteemed as a part of integrity. On women was imposed, under pain of ignominy, the inflexible practice of those severe virtues which the men least observed themselves; partly to quiet jealousy; partly, also, because where love was a worship, it required perfect purity in its objects. Another point of honour grew up at the same time—that of fealty or loyalty—in some degree from the same feeling as that of veracity, which is akin to fidelity; in some measure, also, from habits of obedience in military service, strengthened

\* Castella.

in process of time by the inheritable character which was attached to office and command.

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In so turbulent and insecure a state of society, a few of more generous nature were led, by their temper or their circumstances, to taste the delight of employing valour for the protection of the feeble against the strong. Women, or rather as many as were beautiful and noble damsels, were admired for their attractions, and pitied and defended for their weakness. Ministers of religion were protected because they were venerable, and because they were unwarlike. Religion itself, guarded only by unseen powers and remote punishments, claimed from the generous warrior the use of his sword against her enemies. In time, all the weak became objects of defence. The pupils of chivalry were taught to take up arms against all wrong, however they might often be deceived in their judgment as to what constituted it. The grand defect of this system was, that it was confined to but a small portion of mankind. In its purest form it never prevailed among the majority even of the class exclusively pretending to it. Nor among the few who were its most brilliant ornaments must it be supposed that it was always found in the regular or consistent state which general description is insensibly led to assign to it. But every modification of a society in any degree lettered, works out for itself a correspondent literature, bearing the stamp of its character, and exhibiting all its peculiarities. The writers who soon supplanted the biographers of saints, becoming for their day the delight of Europe, represented in their romances a picture of chivalry, in which the heroes were purified from all defects, and invested with powers to cope with supernatural beings, or to subdue the most tremendous monsters. These imaginary pictures were applied by admiring posterity to favourite heroes of the past. Each generation placed perfect chivalry in the time of their fathers: fiction was confounded with truth; and at length it came

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to be thought that the roads of Europe had been really covered with wandering redressers of wrong in some former age, better and happier than that which was then present.

Casting aside these fooleries, we may reasonably believe that generous dispositions and disinterested attachments, prompting men to face danger and death, and adorned by courteous manners and delicate gallantry, often making the service of a superior as pure from selfishness as the relief of an inferior, and obtaining obedience from a warm heart, instead of buying it from a mercenary dependent, were more prevalent in the middle age, and partly owing to its disorders, than they can be, at least under the same form, in that better order of society, which has no equal need of them, and which, therefore, more rarely affords scope for their exercise and cultivation. It is indubitably true, that the whole system of manners, distinguishing modern civilisation from classical and Oriental, has received a tinge from the usages and sentiments of chivalry, which, though mingled with peculiarities not warranted by morality, is, on the whole, advantageous to the human race.

Chivalry is composed of the feelings and manners of the feudal system. It naturally happened, that the military tenants of the crown, serving on horseback, and composing the main strength of a feudal army, had a plan of training for their youth, and formalities by which the latter were admitted to serve with their seniors. Hence the outward and mechanical modes of conferring knighthood: hence also the fraternities of knights, some independent, most of them founded and patronised by princes, which afterwards arose. Among the smaller circumstances connected with this system were hereditary surnames and armorial bearings; usages to which some tendency may be traced among many nations, but natural and necessary where the vassals of each lord formed a sort of separate people; and more than commonly in-

dispensable where all military commands depended on the distinction and array of communities and tribes, acting together by visible signs and short names, as in the crusades. These were not only the main scene on which the power of chivalry was displayed, but the school where its usages were taught most effectually, and spread through a wider circle. It is one of the most curious facts in literary history, that the writers of the romances of chivalry are almost unknown to us by name, and that these romances themselves, once the sole reading of Europe, have almost wholly perished. Most readers, perhaps, now best know the peculiarities of the chivalrous code from the immortal romance which was written to expose them ; but which, as, under the form of a satire against one transient folly, it ridicules all injudicious and extravagant attempts to serve mankind, has survived the remembrance of the particular follies lashed by it, and will endure as long as it is beneficial to turn goodness to the choice of wise means, and to the pursuit of attainable ends.

Scarcely had Richard taken up the cross, than his admirers afforded a very notable specimen of the mischievous inequality of chivalrous ethics. Zeal against the enemies of religion, rekindled by every new crusade, burst out on the very day of his coronation with unbridled fury on the branded and proscribed Hebrews. The King had, on the day before, issued a proclamation forbidding Jews and women to be present at Westminster, lest he might suffer from their magical arts. A few, however, eager to offer to a new ruler the gifts and congratulation of an afflicted people in a strange land, on a day of general grace and joy, according to the immemorial usage of the East, forced their way into the hall with the rest of the people, and were permitted to lay their presents before him with their humble suit for the continuance of that connivance at their residence, and of that precarious exemption from plunder and

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slaughter which they had obtained from his predecessors, on account of the money which might be wrung from them, of the useful counsel in finance which they might give to ignorant swordsmen, and of the ornaments and luxuries which they drew from remote lands, through the thousand channels of their subterranean intercourse with their unhappy and industrious brethren. A Christian struck a Jew entering at the gate. The courtiers, either catching the contagion of the quarrel, or tempted by the sight of the brilliant presents, or hoping to cancel their debts with the blood of their creditors, fell on all the wealthy Jews, and, beating and pillaging them, drove them out of the hall. The example spread all over the city. The populace of London, and the multitude who had flocked from the country to see the coronation, easily believing the rumour, that the King had ordered the extermination of the miscreants, attacked and murdered the defenceless race, women and children, the old as well as the robust, with unrelenting rage. The Jewish families who barricaded their houses had them set on fire over their heads, and were burnt to death in the flames. Where the walls were too strong, burning wood was thrown in at the doors and windows. The rabble forced their way into private apartments; throwing the feeble, the sick, and the dying into the fires which they had kindled in the streets. The like atrocities were perpetrated in many of the principal towns. At York, the Jews took refuge in the castle, after having seen their wives and children butchered before their eyes, and all who refused to be baptized massacred without mercy. The governor demanding admission, they refused, excusing themselves however by their dread of the populace. Thereupon he inveighed against them with loud transports of rage; and even directed the castle to be attacked. The people seized the fatal word, which it was vain to attempt to recall. An immense multitude besieged the castle for several

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days, stimulated by ecclesiastics, and especially by one furious monk, who perpetually exhorted the people to destroy the enemies of Christ. On the night before the expected assault, a rabbi, lately arrived from the Hebrew schools abroad, addressed his assembled countrymen:—"Men of Israel, God commands us to die for his law, as our glorious forefathers have done in all ages. If we fall into the hands of our enemies they may cruelly torment us. That life which our Creator gave us, let us return to him willingly and devoutly with our own hands." The majority applauded: a few only dissented. They burnt their costly garments, and destroyed their precious stones and vessels. They then set fire to the building, Jocen, the most wealthy man among them, first cutting the throat of his wife. After all the women had been sacrificed, he, as the most honourable, set the example to the others by destroying himself. The few who shrank from a voluntary death appeared next morning pale and trembling to the people, who cruelly dispatched them. The bonds of Christian debtors were taken to the cathedral, where they were instantly committed in a mass to the flames. Ralph Glanville, the first English lawyer of his time, was employed by the King to quell this sedition. That he miserably failed, may be concluded from the number of three who suffered death for this dreadful butchery, and from the reasons assigned for the selection of these three to be examples. One was executed because he had stolen the goods of a Christian; the two others, because the flames which they had lighted in the houses of the Jews had spread to the dwellings of Christians.

Not many days after the crusade had suffered irreparable loss by the demise of Frederick Barbarossa, Philip Augustus and Richard reviewed together, at Vezelai, their magnificent and formidable host. The French bore red crosses, the English white, and the Flemings green. Severe regulations were published



CHAP. against desertion, theft, murder, gambling, dresses  
 IV. unbecoming a religious enterprise, female companions,  
 1191. trading in or near the camp, a greater profit than ten  
 by the hundred, and the sale of bread otherwise than by  
 the penny for equal weights. In no long time they  
 reached Messina. Here, in the midst of friendly festivity,  
 the seeds of disunion between Philip and Richard began to  
 spring up visibly. Richard being freed from his espousals to a  
 French princess, despatched his aged mother to bring him the  
 Princess Berengaria of Navarre, of whom he had long been  
 enamoured. His time was occupied in warm disputes with  
 Tancred, who had usurped or assumed the Sicilian crown,  
 on the death of William the Second, a short time before  
 imprisoning Joan of England, that prince's widow. These  
 differences terminated in an agreement that Tancred should  
 pay twenty thousand ounces of gold to Richard; in consideration  
 of which the latter renounced his own and his sister's claims  
 to the island, entered into an alliance with Tancred, and  
 promised that his nephew and heir Arthur should espouse the  
 daughter of that prince.

April 10. After lingering there for more than six months,  
 Richard at length sailed from Messina. His fleet, of fifty-five  
 galleys and one hundred and fifty ships, was dispersed by a  
 storm. The one conveying his sister Joan, and Berengaria his  
 espoused (his mother had returned from her venturous expedition),  
 was compelled to seek refuge in a port of Cyprus, then governed  
 by Isaac Comnenus, who held it out against the court of  
 Constantinople by the favour of Saladin, and who now received  
 the royal ladies with discourtesy. Richard, as if roving in quest  
 of adventures, landed his whole army to chastise the apostate  
 chief. Several of the Christian rulers of Palestine came to Cyprus  
 to entreat his speedy succour, where he took advantage of their  
 presence to solemnise his nuptials with Berengaria, with the  
 splendour which the occasion demanded. In spite of

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all expostulation, however, he would not stir till the whole island was reduced. He had promised not to fetter Comnenus; but he pretended that he meant iron fetters, and put him therefore in silver chains. At last he left for Tyre, where he found the Christians divided between two competitors for the crown of Jerusalem, Guy de Lusignan, and Conrad, marquis of Montferrat. In sailing along the coast of Syria to the siege of Acre, he met a large vessel, pretending to be French, but in reality Saracen, and intending to throw a considerable reinforcement into the besieged town. An obstinate engagement ensued, in which the strange vessel sunk, as the English say, by their prowess, but, according to the Mahometan writers, by the unconquerable spirit of her ship's company. A curious journal of the siege of Acre is preserved by an ancient historian\*; probably the work of an eye-witness, and remarkable for the distinctness which belongs to such narratives. Reduced, according to the Mussulman historians, to famine by the maritime blockade, the leaders of the garrison were compelled at length to negotiate for a capitulation. They desired to leave the town with their arms and goods. Richard cried out, "No! after so long and great exertions we must win something more than an empty town." The Turks proposed "that the garrison should march out freely, leaving property and weapons behind." Saladin agreed to release two thousand five hundred Christian prisoners, and, in two months, to pay two hundred thousand bezants as the ransom of the Turkish prisoners, and to restore the Holy Cross. A Christian eye-witness† says, that such was the courage and virtue shown by the garrison, that no man could have surpassed them if their faith had been pure. The two kings entering divided the town, the prisoners, and other booty between them. Each of them planted his royal standard in his own district: Leopold, duke of

July 12.

F \* Roger de Hoveden.

† Vinesauf.

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Austria, made the like attempt. Richard's officers asking, "Do you, a mere duke, pretend to be on a footing with kings?" "I fight," he answered, "I make war, by my own power and sovereignty, and, under God, I acknowledge no superior but St. Peter!" and left the town, treasuring up revenge.

The way was now open to Jerusalem. Philip demanded a moiety of Cyprus in virtue of a treaty which had stipulated the equal division of conquests. Richard replied that the treaty provided only for conquests made from the Turks. It was agreed to confine it to acquisitions in Syria and Palestine. But these both the competitors for the throne of Jerusalem claimed as justly belonging to that crown. A warm contest ensued between Richard, who supported Lusignan, his vassal in Poitou, with the help of the Pisans and Venetians, and Philip, who maintained with equal zeal the claims of his relation Conrad, which were also espoused by the Genoese. Philip was desirous of immediate peace on moderate conditions; Richard took fire at so base a compromise. A secret understanding with Saladin, the heaviest imputation on the chief of a crusade, was laid to Philip's charge. Perhaps he was influenced by views, hitherto almost a secret to himself, on the territories of his great vassal. At all events, he proclaimed the crusade ended, declaring his determination immediately to return to France. "If Philip thinks," said Richard, "that a long residence here will be fatal to him, let him go and cover his kingdom with shame." Philip, however, quieted Richard, by swearing that he would attack neither Richard's possessions nor those of any other prince who remained in Syria, but rather protect them with all his might. He soon after sailed from Syria, was released from his oath by Pope Celestine the Second at Rome, and before the end of the year reached his capital city.

Saladin evading or delaying the first instalment of

the ransom, Richard enforced it in a manner even then deemed ferocious. On the 15th of August, the day on which he and his army celebrated the assumption of the Virgin, he commanded two thousand five hundred of the gallant garrison of Acre to be led out into a meadow under the walls of that city, and there, without exception, put to the sword. "We have, as became us," says Richard in a letter to the abbot of Clairvaux\*, "put to death two thousand five hundred of them." "It was done," says an ancient writer†, "with the assent of all." Danger from the prisoners was not alleged as an excuse. With a superstition equally cruel and fierce, the Christians searched the carcasses of the murdered Turks for golden bezants, and converted the gaul which was found in their dead bodies into medicines. Never was a siege, however, so fatal to the besiegers. Six archbishops, twelve bishops, forty counts, five hundred men of noble birth, perished before it or in it. Of three hundred thousand pilgrims, only six thousand lived to see their home again.

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The camp was not long after broken up, and Richard Aug. 24. had scarce marched a day's journey, when the Turks showed themselves on every side. When the army encamped, the heralds went round crying, "God help the Holy Sepulchre!" and the body of pilgrims loudly repeated the prayer three times. The march was dreadful. The Mahometans, incensed at the murder of their brethren, planted the ground, where they knew the enemy must encamp, with knives and the like instruments, which wounded the horses and brought the knights to the ground. Marching through a Syrian desert at the season when the sun shoots his fiercest heat, Richard's soldiers were faint with hunger and maddened by thirst. Immediate death by any of these means, however, was the envied lot of only a small number. The cries, uncouth appearance, and fierce visages of the Bedouins,

\* Roger de Hoveden.

† Trivet.

CHAP. increased the terror. A few negroes used by Saladin  
 IV. more for state than strength — a race, perhaps, less cruel  
 1191. than any other tribes not softened by religion and law—  
 appalled the ignorant Europeans, as, in the language of  
 the eye-witness, “a ghastly race, fitly called negroes  
 from their extreme blackness.”\* For two miles round  
 nothing was to be seen but the Turkish army, fully  
 armed, and beautifully arrayed, except where there were  
 interspersed bands of such savage auxiliaries. The Eu-  
 ropeans, thus surrounded, were compelled to fight their  
 way through the enemy with great loss and difficulty.  
 On one occasion, Richard was preserved from death or  
 a prison, on a hawking party, by the generosity of  
 William des Preaux, who, pointing to himself, called out  
 in Arabic, that he was “the malik,” or king. These  
 examples of the miseries of a crusade are sufficient.  
 Discord and mutiny always break out among suffering  
 armies under unfortunate commanders. In the repairs  
 of Ascalon, where all were to lend a hand, Leopold, duke  
 of Austria, sullenly said to Richard, “My father was  
 not a mason, and I was not bred a carpenter.”

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The next year the news of revolt and confusion in  
 England began to remind Richard of the necessity of  
 returning home. He at length yielded to the general  
 desire of bestowing the nominal crown of Jerusalem on  
 the marquis of Montferrat. But on returning to his  
 tent from a feast given to celebrate his election, that  
 prince found two youths standing at his door; one of  
 whom put a letter into his hands and then stabbed him  
 mortally with a dagger, crying out exultingly, “Thou  
 shalt neither be a marquis nor a king.” It is agreed on  
 all hands that the youths in question were the followers  
 of a sheik, from the dire and devoted fanaticism of whose  
 disciples the name “assassin” has been adopted in most  
 languages of Europe. Rumour, however, appears very  
 early to have charged Richard with being the instigator

\* Vinesauf, lib. iv. c. 18.

of this murder. The suspicion is chiefly countenanced by the fact of no other person being mentioned who had any motive to destroy Conrad. Yet the fanatics were probably more likely to be impelled to the deed by enthusiastic hatred of a new Christian king, than allured to it by the practices or promises of another unbelieving sovereign. The nature of Richard's vices also affords him a defence which it would have been vain to seek in his few virtues. He was too inconsiderate for contriving plots, and too impatient to wait till the whole web was woven. The ostentation of power formed with him so large a portion of vindictive gratification, that he does not seem likely to have stooped to secret revenge. A murder to remove a formidable foe he might perhaps have endured without showing the strength of his arm; but a murder to chastise an offensive enemy, when the offence was publicly pardoned, has the humiliating confession of an appearance of weakness to which the pleasure of guilt could scarcely have reconciled him. His humanity would have been a feeble check to crime; but his pride and his indiscretion disqualified, and probably indisposed, him for playing the part of an assassin.

It is very difficult to explain the circumstances of this murder, or to reconcile the testimony of witnesses concerning it. The accusation was early made against Richard by the German chiefs and French writers whose hostility to him abates the value of their testimony. The most formidable witness against him is Bohaddin, an Arabian historian, who served under Saladin, and was no stranger to the feuds of the Christian camp. On the other hand, a French and a Syrian writer\* speak of the charge only to profess their disbelief of it. Others state that the assassins had long lived in Conrad's house†, after having received baptism, and exhibited every other

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\* The continuator of William of Tyre, and Abulfarag, a Syrian bishop of good credit in Chron. Syriac.

† The continuator of William of Tyre, John of Vitry, and Ralph of Coggeshall.

CHAP. outward proof of their conversion to Christianity. It  
 IV. was suspected at the time, and is now known to have  
 1192. been the fact, that Conrad had a secret correspondence  
 with Saladin, by whose aid he might have expected to  
 obtain at least an accession to his territory. Notwith-  
 standing this intercourse, another Arabic writer \* tells  
 us that Saladin had bribed the sheik of the Assassins to  
 destroy Conrad and Richard, but that the barbarian  
 would do no more than half the work. As the council  
 at which Conrad was chosen king, however, was holden  
 on the 9th of April, and he was murdered at Tyre on  
 the 28th, there was not sufficient time for procuring the  
 intended agency after that choice had excited jealousy.  
 On the whole, the account given in the supposed letters  
 of the chief of the Assassins, or, as he is called, the  
 "sheik ull Gibbell," produced afterwards on Richard's  
 behalf, at the Congress of Hagenau, is the least open to  
 objection, the most consonant to Eastern manners, and,  
 as the most simple, the most unlikely to have been in-  
 vented, of those which have reached us of this mysterious  
 crime.

In the course of the events which followed, it seems  
 to have been generally acknowledged in the Christian  
 camp that there were no means of laying siege to Jeru-  
 salem, and that the presence of the English king in his  
 own dominions was become indispensable. Negotiations  
 were actively carried on, obstinate battles were fought,  
 in which losses nearly equal necessarily more weakened  
 the invaders than the besieged, whose strength was in  
 the country itself. The superiority of reason, principle,  
 and temper, which distinguished Saladin, was at least as  
 much beyond the common endowments of men, as the  
 prodigies performed by Richard surpassed their ordinary  
 feats of valour. A truce was concluded for three years,  
 by which the Christians were left in possession of the  
 coast from Acre to Joppa, and the right of pilgrimage

\* Ibn. Alatir.

to Jerusalem was secured to them. The first body of pilgrims who availed themselves of the concession, however, advanced with such disregard of all precaution, that Saladin amicably rebuked them for their negligence. The parents and relations of the murdered garrison of Acre, on their knees, implored from Saladin permission to revenge the massacre on the Christians who had fallen into their hands. But the wise and magnanimous sultan redoubled his injunctions to protect the pilgrims. The second body, of which Vinesauf, the historian, was one, experienced the utmost courtesy. The bishop of Salisbury, who led the third, was received with singular honours, and admitted to free conversation with the Mahometan chief. "What," said Saladin, "do they say among you of your king and of me?" — "My king," answered the bishop, "is owned to surpass all men in unshaken valour, and in liberal gifts. In short, if your unbelief were cured, and your endowments and virtues shared with king Richard, there would not be two such princes in the world." Saladin owned the frankness and courage of Richard, but blamed his fool-hardiness; and concluded by declaring, that "he would rather rival the wise in docility and modesty, than advance his fortune by immodesty and mere audacity." From the uniform courtesy of Saladin, however, we may be well assured that he did not risk such freedom of animadversion on the king of England, softened as it was by address and by its evident justice, till he had perceived that it would not be offensive to the bishop, to whose prayer for the establishment of priests of the Latin church at the Holy Sepulchre, at Bethlehem, and at Nazareth, hitherto frequented only by those of the Eastern, he assented with equal toleration and urbanity. Richard obtained the liberty of his deliverer Des Preaux, by exchange, for twelve Turkish prisoners.

Richard, who was as well pleased to bestow as to win kingdoms, conferred that of Cyprus on Guy de Lusignan,



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whose posterity enjoyed it for two centuries. Stern as he was, he shed bitter tears at being prevented by illness from visiting Jerusalem with the other pilgrims, declaring his determination to return speedily, that he might perform his vows at the Holy Sepulchre. Had he remained in the East six months longer, he might have fulfilled his vow more easily than he had hoped; for shortly afterwards Saladin expired, in the fifty-seventh year of his age, leaving behind him the reputation of having been the most upright and wisest prince that had ever filled a Mussulman throne. He had risen to be sovereign of Asia, from the station of a private Curdish soldier, by the general Mahometan title of the sword. "Go," said he to his standard-bearer, as death was fast approaching, "show this flag of the dead to the army, and tell them that the lord of the East could bring nothing but a single garment to the grave."—"Honour the greatest of Beings," said he to his son, "and obey his commandments; for he is the root of good, and in him is all our weal. Spill no blood; for it will one day reach thy head. Preserve the hearts of thy subjects by loving care; for they are entrusted to thee by God. Hate no one; for all are your fellow-mortals. If thou hast offended against God, repent; for he is of great mercy."

Richard at length finally sailed from the Holy Land, about three years after his departure from England, two years from his arrival at Messina, and sixteen months after his landing in Palestine. His imperfect success left him only the name of a bold adventurer, without the praise of that method, perseverance, and prudence, of which the accomplishment of what is undertaken always affords some presumption. As a most unfortunate one he appeared in the singular mishaps of his voyage and journey homewards. He was accompanied by the queens, his wife and sister, and attended by as magnificent a retinue as the surviving knights of

England, Normandy, and Aquitaine could supply. His fleet, however, was dispersed by a storm. The royal ladies, and the greater part of the fleet, appear to have reached England in safety; but the ship conveying the King having come in sight of land near Marseilles, he was unwilling to expose himself to the resentment of the king of France and the count of Toulouse. Why he did not attempt to gain his continental dominions through Navarre we cannot conjecture. Even if a passage through Navarre was impracticable, he might still have landed in Italy, unless we suppose that he apprehended danger from the relations of the marquis of Montferrat. Whatever the reason was, he made sail for Corfu, with the intention to land on the Dalmatian coast. After escaping capture by the Greeks, also his enemies, and repelling pirates who had attacked him, he prevailed on the latter to carry him to Zara, where he landed under the name of "Hugh the Merchant," sending a costly ring to the governor, with a prayer for a safe-conduct. "Not 'Hugh the Merchant,'" said the governor, "but 'Richard the King' sends such a gift. But a prince so generous deserves no interruption. Let him freely take his way." Richard's anxiety, however, was not removed: he pushed on to another town, where the governor, a brother of the chief of Zara, had already been apprised of the quality of his guest, and less generous, despatched Roger d'Argenton, a Norman knight, in quest of him. The Norman, subdued either by presents, by promises, or by compassion, reported that no trace of such a traveller was to be discovered. Whether Richard pursued his journey by land or was shipwrecked in a voyage to Venice, is a question on which authorities differ. The utmost wariness was needful; for he had mortally offended not only duke Leopold of Austria, but all the German knights who had endured his arrogance in Palestine. Mainhard of Gortz apprehended eight of his companions. Richard himself

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fled to the town of Friesach, in the territory of Saltzburg, to avoid the hostility of Ulrich of Carinthia. Here however he met new enemies; and wandered with one William de Stagno and a little boy who spoke German, on horseback, with scarcely any nourishment, for three days and nights, till he was driven by hunger in quest of necessaries to Erperg, near Vienna. He sent his servant daily to the city to buy provisions. The boy imprudently attracting attention by expensive purchases, was obliged to say, that his master was a rich merchant, who would come to Vienna as soon as he had recovered. The duke of Austria had received information of Richard's arrival, and commanded all strangers to be carefully watched. The boy going to market with the gloves of the King's armour, they were recognised by an Austrian knight who had served at Acre. He was put to the torture till he confessed the truth. A band of armed men immediately surrounded the house where Richard was. Overpowered as he was, however, he refused to surrender to any but the duke.

The royal prisoner was committed to the castle of Thierstein under the custody of Hadamar of Cuning. The duke said to him at parting, "We are more your deliverers than your enemies. Had you fallen into the hands of the marquis Conrad's friends, who track you everywhere, if you had a thousand lives you could not save one of them." Henry the Sixth, however when he heard of the arrest, said, "No duke must presume to imprison a king; that belongs to an emperor;" and Leopold was accordingly obliged to surrender his prisoner, but with a reservation of his own claims. A show of courtesy was affected, but his imprisonment at Trifels was not the less rigorous. Richard, sanguine and jovial, plunged into convivial excesses with his guards, cheering his own solitude as well as amusing their festive hours by singing and playing his own Provençal songs. He was one day answered from without by a well-known

voice, that of Blondel his minstrel, who had probably been sent from England to convey information to the King, and to gain intelligence of his situation. The latter entered into the service of the commander, and found means to obtain a full account from his master of what had befallen him. Eleanor expostulating, the pope interfered, and Henry the Sixth, more actuated by rapacity than revenge, called an assembly at Haguenau, where every charge against Richard might be heard and determined by himself as emperor of the Romans, and supreme ruler of Western Christendom. The charges were, that Richard had supported Tancred, the usurper of Sicily, to the emperor's great cost and damage; that he had unjustly expelled Isaac, king of Cyprus, a near relation of the emperor and the duke of Austria; that he had maltreated the German pilgrims, and especially the duke of Austria; and that the murder of Conrad, the unwearied champion of Christendom, more evidently appeared to be his deed, since he had accepted presents from Saladin, and needlessly sacrificed Gaza, Nazareth, and Ascalon to that potentate. All the other accusations Richard easily answered: that regarding Conrad, however, he offered to disprove in the manner of his age. "Though an independent king is not bound to meet accusations," he said, "yet, for the sake of my honour, I am ready before this illustrious assembly to meet the maintainers of this contemptible lie in single combat." A letter was produced from the sheik of the Assassins acquitting Richard of any connivance in the crime, and declaring that Conrad was put to death by his own command, to punish wrong done to his followers. In its present form that letter is doubtless spurious; but the unskilful hands of the chroniclers might have disfigured it without encroachment on its genuineness.

In England the trial of the King was regarded with great jealousy. In Germany and France, however, the voice of the people, exasperated by the accounts which

CHAP. the pilgrims gave of his insolence, was altogether ad-  
IV. verse to him.

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To facilitate accommodation, Henry, after the correspondence through Blondel, permitted Hubert, bishop of Salisbury, and William, bishop of Ely, who was chancellor and one of the regents, to come to the King at Trifels, where it was agreed, that Richard should meet the emperor at Haguenau, for a final adjustment of differences. Richard wrote from that place to his mother, to collect funds for his ransom; and Henry on the same day wrote a letter to the nobles of England to the same effect. A convention was executed by which it was agreed, that the imperial ambassadors were to receive a hundred thousand marks of pure silver; that the King should also pay fifty thousand marks to the emperor and the duke of Austria, giving sixty hostages to the emperor for thirty thousand, and seven to the duke of Austria for twenty thousand; with the condition annexed, however, that the fifty thousand marks were to be remitted if Richard should perform a private promise which he had made about his brother-in-law Henry, late duke of Saxony. On these terms Richard was to be set free after Christmas. The conditions were notified to the primate and council by letters from both princes at Spire:—so sordid and base were the objects really aimed at in a solemn proceeding, where a great monarch was brought to trial before an emperor and the most illustrious princes, for having by a foul murder brought dishonour on the Christian name. The purpose of all this pomp was no more than to extort one hundred thousand marks of silver.

To pay the ransom, the plate of all the churches and monasteries was taken. The Cistercians, who had no plate, were forced to give up their wool. "England," says an ancient annalist, "from sea to sea was reduced to the utmost distress." Eighteen months after his departure from Acre, Richard landed once more on

May 13,  
1194.

English ground at Sandwich, and was soon after crowned a second time at Winchester. The people, distressed as they were, manifested an honest joy at the liberation of their king, and found vent for the pain of their sufferings in invectives against the emperor and the duke. During his absence, his brother John, prompted by Philip Augustus, had disturbed England and Normandy by insurrections. Richard therefore on his return found himself in a state of hostility with Philip, sometimes suspended by insincere armistices, sometimes varied by indecisive battles, till he was mortally wounded before Chaluz, the obscure castle of a rebellious vassal, in the province of Limousin, after a reign (if it must be so called) of ten years, not one of which was passed in England, the seat of his power and the principal source of his wealth and greatness.

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1199.

Mar. 24.

The actions, perhaps, of no man give a more lively picture of his character than those of Richard. He has been compared to Achilles; but the greatest of poets chose to adorn his savage hero with sorrow for the fate of Patroclus; an infirmity which cannot be imputed to Richard, who had in every respect the "heart of the lion."

The insignificant fragments which remain of Richard's Provençal poetry serve only to show, that the Plantagenets were still foreigners, and that the English language had not yet raised its head since the blow struck at it by the Norman invaders.

The thirteenth century may probably be considered as a period of as great, though not so visible, a stride of the human understanding in Europe, as many of the brighter and more brilliant ages which have succeeded it, though in the latter perhaps greater numbers shared in the advance. At the head of its improvements may be placed the reforms of religious instruction, not only for their own importance, but as the sole means at the time of rousing and invigorating the

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human faculties, both intellectual and moral. The Benedictines, the first reformers of the Catholic clergy, having in their turn become rich and lazy, the Dominicans and Franciscans now arose in their stead; growing with a rapidity perhaps unparalleled either by the order of the Jesuits among Catholics, or by the followers of Wesley and Whitfield among Protestants. They renounced not only separate but corporate property; throwing themselves, for the bare means of subsistence, upon the alms of the pious and benevolent. Excited by the example of the Vaudois, who had become popular by a severely literal adherence to some texts of the Gospel, these mendicant orders embraced the same voluntary and absolute poverty, gaining that general ascendant which is generally yielded to a life of self-sacrifice. The scholastic philosophy, that great sharpener and methodiser of intellect, the cultivation of which prepared the soil for the rich produce of after times, attained its utmost vigour and splendour, the vernacular languages began to be cultivated, and a native literature showed its early blossoms in Sicily, in Tuscany, in Suabia, in southern and northern France, in England, first as the Anglo-Norman, under Henry the Second, afterwards as the English, under Edward the First. The seed was so far scattered that some poetical flowers began feebly to bloom even in remote, distracted, and barbarous Scotland. The more active and general study of the Roman law contributed to greater precision in all moral opinions, raised up competitors against the theologians, and was actually denounced, and sometimes suppressed, by the most sagacious of that powerful body, while it brought home to all men of moderate education the wisest system of jurisprudence then known. The religious chivalry, exhibited in the crusades, probably guarded Christendom from the fanatical ambition inculcated by the Mussulman religion. Festive chivalry, consisting of jousts, tilts, and tournaments; scenic representations of chivalrous enterprise and such like, may

be considered as the gorgeous vesture of ornament and parade in which the feudal chiefs arrayed themselves, to remind men of their prowess, and to display at once their skill and their magnificence. As the manners of this class began to be softened, they became more naturally the predecessors of the modern gentlemen of Europe. The union of the whole Christian world to form one army, the journeys of vast numbers of men, including a majority of the higher classes, to renowned countries unlike their own, and the necessity of loans for these undertakings, produced effects on the European mind and circumstances of which the bare mention suggests the nature and extent.

The disputes between popes and temporal sovereigns were drawing towards a close, when the papal pretensions were carried to their utmost extravagance, in the first years of the thirteenth century, by Innocent the Third, a pontiff not of so creative and commanding a mind as Gregory the Seventh, but less reserved, and, for the time, more favoured by circumstances. Among the best consequences of these controversies, was that of their teaching the possibility of maintaining the civil rights of various classes without an appeal to arms, and with some mixture of an appeal to law and reason. The principles to which popes and kings paid an apparent deference at least in their fiercest debates, were applied in discussing the political privileges of the laity, and contributed mainly to the success of that renowned struggle known in our history by the name of the "Barons' Wars." To these principles it is owing that the reign of JOHN, though the most contemptible of princes, is perhaps the most memorable portion of our ancient history.

Though all monarchies, except the German Empire, were now becoming hereditary, yet the principle of inheritance was by no means established as a rule of law. It was still a question, whether the crown devolved on

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CHAP. a brother alive, or the son of an elder brother deceased.  
IV. There were now accordingly two competitors for the  
1199. crown of England, John, who was next in blood to the late king, and Arthur, duke of Brittany, a step more distant from him, but the representative of his father Geoffrey, the elder brother of John. Anjou, Touraine, and Maine, the domains of the Plantagenets, with Poitou, a vast portion of Eleanor's dower, declared for Arthur. Normandy, more connected with England, and the remoter duchy of Guienne, almost foreign to France, acknowledged John; who, by the aid of his mother Eleanor, had possessed himself of Richard's treasure, and compelled Constance with her son Arthur to take refuge at the court of Philip Augustus. Hubert the primate, and William, earl marshal, were in the meantime despatched to England, where they assembled those of the nobility who were supposed to be wavering in their allegiance, whom, by promises of good government and by secret gifts, they prevailed upon to take the oath to John, in a parliament held at Northampton. That prince soon after landed at Shoreham, and on the following day was crowned at Westminster, after a speech from Archbishop Hubert, in which he announced to the audience that John had been elected king (alluding to the proceedings at Northampton), and laid it down as a known principle, that no one could be entitled by any previous circumstance to succeed to the crown, unless he had been chosen by the body of the nation, according to the examples of Saul and David, who were not even of royal race. John, says Matthew Paris, assented, and the persons present cried out, "Long live the King!" A fruitless struggle against Philip, the most conquering of the Capetian kings; a vain attempt to brave the last, and, perhaps, fiercest storm from Rome; and an attempt, happily as unsuccessful, to quell the rising spirit of the leaders of the people in a contest for their own

rights and (it must in justice be said) for the rights of the whole nation, are the events of this reign.

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The object of the first of these was to decide the long controversy whether the Capets or the Plantagenets were to be the greatest of French powers. Hitherto mental capacity and material force had all been on the side of the latter. The vigorous genius of Philip, however, and the constant dissensions in the house of Plantagenet, now turned the scale. The ambition of Philip was not fettered by morality or decorum. He did not scruple to employ the young duke of Brittany merely as his tool; outwardly, however, he acted a friendly part towards him, knighting him and giving him his daughter Mary in marriage. But an occasion soon presented itself of giving him still more effectual succour. John, with his accustomed indulgence of licentious passion, had divorced his queen, Alice of Gloucester, and taken to his bed Isabella of Angoulême, one of the most celebrated beauties of the age, though she had been solemnly betrothed to the count de la Marche. That nobleman and the rest of his order were in the highest degree incensed, and took up arms against him. Philip sent Arthur with a military retinue into the dominions to which he laid claim; who laid siege to Mirebeau, a fortified place near Poitiers, held by the unwearied Eleanor, who, at the age of fourscore, had just returned from a journey into Spain, whence she had brought her grand-daughter, Blanche of Castile, to be wedded to Louis, the heir of Philip. When the town had been taken, the veteran amazon threw herself into a tower which served as a sort of citadel, where she held out till the arrival of John, who compelled the besiegers to surrender. Not one knight of the little army escaped death or a prison. The prisoners, amounting to two hundred knights, with the count de la Marche and the viscounts of Limoges, Thouars, and Lusignan at their head, were loaded with irons, tied in

CHAP. open carts drawn by bullocks, and afterwards thrown into  
IV. various dungeons in Normandy and England. Twenty-  

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1203. two of the party were starved to death in Corfe Castle.

Arthur was brought prisoner to Falaise, where all accounts agree in representing him as having been confined for some time. The short remainder and tragic conclusion of his life have been variously related. The accounts, however, are not inconsistent with one another; as the scenes described by the different writers may all have occurred, though at different stages in the long imprisonment which ended in this foul deed. "John," said Matthew Paris, "went to his nephew at Falaise, and kindly besought him to trust his uncle. Arthur, foolishly betraying his indignation, cried out, 'Restore to me my kingdom of England!' He was immediately sent to close prison at Rouen. Not long after he suddenly disappeared, I trust not in the way that malignant rumour alleges. It was generally suspected that John had murdered him with his own hand, who became therefore the object of the blackest hatred of mankind." The monks of Margan tell us, "that John being at Rouen, in the week before Easter, 1203, after he had finished his dinner, under the influence of drunkenness and malignant fiends, literally imbrued his hands in the blood of his defenceless nephew, and caused his body to be thrown into the Seine, with heavy stones fastened to his feet; that the body was notwithstanding cast on shore, and buried at the abbey of Bec, secretly, for fear of the tyrant." Ralph, abbot of Coggeshall, the most nearly contemporary of the chroniclers, tells the melancholy tale more minutely. "Some of John's counsellors," according to this authority, "suggested to the King the necessity of unfitting Arthur for rule by blinding him, and depriving him of the hope of posterity by mutilation. The wretches sent to Falaise to execute this command were disarmed by the tears and

cries of the poor boy. Hubert de Burgh, his warden, took upon him to suspend the cruelties till the King was further consulted. This appeal only produced his removal to Rouen." Shortly after, at midnight, Arthur was suddenly awakened, and ordered to come out of the tower. At the door, he found his merciless uncle, with Walter de Mauluc, his equerry, in a boat. The hour of night, perhaps former scenes of horror, above all, the threatening countenance of John, filled the unhappy youth with the utmost terror. He threw himself on his knees, and with a flood of tears implored his uncle to spare his life. But John had gone too far to retreat. Some say that Mauluc, when ordered by John to murder the boy, shrank from the deed, and that John himself, seizing his nephew by the hair, stabbed him with his own hands, and threw his body into the Seine. The narrative of Hemingford and Knighton, which describes Mauluc as the executioner, is confirmed by the circumstance, which they mention, and which is otherwise established, of John's having bestowed on him the heiress of Mulgref in marriage, for his assassin's fee.\* In the essential parts of the crime all writers agree. The small number of English writers who do not speak of the murder are equally silent respecting the notorious fact of the disappearance of Arthur, which they could have had no reason for being afraid to relate but their conviction of the guilt of John. In all who have dared to speak, we can plainly perceive a sort of rivalry in expressing the horror felt by their contemporaries, more than outweighing in the scales of evidence any mistakes or exaggerations into which these honest feelings may have betrayed them.

By this murder John lost one-third of his dominions at a blow. Philip summoned him, as duke of Normandy and Aquitaine, to answer before the court of his peers,

\* Dugdale, *Baronage*, vol. i. p. liament for about two hundred and 733. His family were lords of par- forty years.

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to a charge of having murdered, within the jurisdiction of the realm of France, Arthur, duke of Brittany, a vassal of the French crown, with the aggravations that the murdered duke was his own nephew, his vassal whom he was feudally bound to protect, and son-in-law of his lord paramount, to whom he owed honour as well as fealty. John demanded a safe conduct; but to what purpose is a trial for murder, if it is to be preceded by a promise of impunity? He did not appear. He was then pronounced to be contumacious, and to have forfeited all the provinces which he held from the crown of France; which accordingly, all but Guienne, were actually annexed to that crown; and sentence of death was passed upon him as a felon to his liege lord. Had the murder been committed on a private man, the court of peers might not have had jurisdiction. But the murder of the duke of Brittany by his immediate superior, the duke of Normandy, was felony against the lord paramount, from whom the power of John over his vassal must, on feudal principles, be considered as having flowed. Philip justly observed, that he did not lose his seignorial rights over the duke of Normandy by that prince's becoming king of England. Nor does it appear that the proceeding, however unusual, or how much soever influenced by ambition, was a departure from feudal law.

Some delay took place in effecting the above annexation to the French crown of Brittany; in part attributable, no doubt, to the prudence of not condemning rich spoils till they were mastered, but indicative of temper and consideration in the conduct of so weighty an affair. Eleanor, the sister of Arthur, a princess distinguished by her beauty, became the heiress of the duchy after the murder of her brother. But her unnatural uncle carried her prisoner to England, where she was for forty years immured in a monastery at Bristol, conformably to the barbarity of an age which tolerated no rival near

a throne. The ducal crown of Brittany accordingly devolved on Alix, the daughter of Constance by her third husband. This princess, by the attainder of John, had become an immediate vassal of Philip, who gave her hand to Peter de Dreux, descended from a younger son of Louis "le Gros;" a prince of the blood, whose rights, in consequence of the principle arbitrarily adopted in after times, by which St. Louis was made the stock of the house, were neither recognised by law, nor capable of being historically disputed. In the same doubtful condition were left the descendants of another son of the same monarch, who married the heiress of the house of Courtenay, of which a branch had settled in England. The duchy of Brittany continued to be a scene of constant intrigue and conflict between France and England, till the close of the fifteenth century, when, by the marriage of Louis the Twelfth to Anne, duchess of Brittany, that great province was finally merged in the crown of France.

The Plantagenet dominions, as far as Rochelle, were subdued with so little difficulty, that we may hope for the consolation of ascribing the conquest to the abhorrence universally inspired by the murder of Arthur. The attempts of John to recover these fair and ample domains were alike pusillanimous and imbecile. No criminal ever less covered his crime by courage or capacity. We are unacquainted with the circumstances which preserved the connection of the duchy of Guienne with England: if indeed it was owing to any other cause than the mutual jealousies of southern and northern France. A truce was concluded between the two kings for two years at Thouars, by which all the provinces north of the Loire were in effect ceded to France. Oct. 26.

Thus branded by cowardly murder, foiled in arms, outwitted in policy at the moment when he had ratified the sentence of infamy against him for acquiescence in the seizure of a third of his dominions, John, who as

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much surpassed most men in rashness as he fell short of them in firmness, dared to brave the thunders of the Vatican, then wielded by a pontiff who had dragged the crowns of France and Germany at his wheels. The jurisdiction over matrimonial causes granted to bishops by Christian emperors was a natural consequence of the religious rites with which marriage was then solemnised, and of the character of a sacrament, or eminently sacred rite, attributed to that important union. But after the universal acknowledgment of papal supremacy, it became a power most formidable to princes, as enabling the sovereign pontiffs to invade their domestic peace, and render their succession disputable. Innocent the Third had enlarged the prohibition of marriage between relations to the seventh degree. His weapons against kings were so much sharpened by this extension, that it is difficult to acquit so ambitious a pontiff of a sinister purpose in a regulation otherwise so unreasonable. With so wide a prohibition, it was not always easy to avoid the impediment of consanguinity; and as it was not always easy to draw the line of distinction between impediments with which the Church might dispense and those which were beyond her power, the legitimacy of all children whose inheritance was important became still more dependent on a rival and often hostile jurisdiction. Philip had, on a false allegation of consanguinity, obtained a release, by a French synod, from the bands of wedlock with his second wife, a Danish princess, against whom he had conceived a repugnance. In spite of an appeal to the Pope, he wedded another lady, Agnes, the daughter of a Tyrolese lord, an act for which Innocent laid his kingdom under an interdict. Philip, powerful and bold as he was, felt the necessity of yielding. Agnes, whom he had sent to a castle to which he intended to continue his visits, fell a victim immediately to wounded honour or affection. The Danish princess was restored to her royal dignity, and

her husband's hatred. Innocent, as having asserted his authority in an instance where its exercise might be vindicated by specious and even solid reasons, alone triumphed. He also excommunicated, in succession, two sovereigns of Germany, Philip of Hohenstaufen, king of the Romans, and Otho of Brunswick, the son of Henry "the Lion" by Matilda Plantagenet. The last of these princes was the nephew of Richard and John. He had been made duke of Aquitaine and earl of Poitou and York by his uncle, and was the natural leader of the Guelph or Papal party; but his zeal for the independence of the Germanic crown prevailed over the point of honour of adhering to a party the original principles of which were nearly superannuated, and little more than the name remained. The Roman Pontiff had, on all these occasions, the great advantage of being able to select his cases. The men of experience and sagacity who directed the court of Rome were seldom obliged to wait long for such misconduct of princes as would justify pontifical severities, if it were possible to forget the motives for their infliction, and the consequences of their success.

A dispute had been going on for some time, whether the archbishop of Canterbury was to be chosen by the monks of St. Augustine's abbey in that city, or by the suffragan bishops of the province. In this was involved the real and most important question, whether the nomination was to be in the king or the pope; for the bishops were accessible to the influence of the crown, while the monks, according to the genius of their order, were devoted to Rome. John had resolved to raise the bishop of Norwich to the primacy; and, when he allowed the monks to make a journey to Rome, had obliged them to swear that they would recognise none but that prelate as archbishop. When the news of Hubert's death, however, reached Rome, Innocent absolved them from an oath which he held it criminal to



CHAP. have exacted, and commanded them, under pain of the  
IV. heaviest censures, to proceed to an election. They

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chose Stephen Langton, who in the sequel proved himself worthy of the highest stations. John, incensed at this proceeding, took possession of the monastery, seized on its estates, and banished the remaining monks. He angrily reproached the Pope for presumption and ingratitude, declaring that he would sacrifice his life for the rights of his kingdom, and announcing his determination, if the wrong were not immediately repaired, to break off all intercourse with Rome. Innocent was not slow in maintaining his authority. He laid *à li* John's dominions under an interdict, which, in spite of

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menaces of that monarch, was published at London by the bishops of London, Ely, and Worcester. From that moment all churches were shut, and all the rites of religion forbidden, with the exception of baptism, confession, absolution, and extreme unction. To prohibit a great nation from performing any office of religion or entering into the most important relations of life, was not, however, the last extremity of Papal displeasure. After inflexibly maintaining the interdict for two years, Innocent proceeded to excommunicate, and, by consequence, to depose, the king. As the excommunication extended to all who had any intercourse with him, it amounted to the annihilation of all government, law, and property, the impunity of crimes, and the destruction of all contracts and dealings. Jeffrey, archdeacon of Norwich, one of the barons of the exchequer, declared on the bench that, as the king was excommunicated, it was no longer lawful to act in his name. The laity, however, disregarded these fulminations; which so little lessened John's strength, that the only successful expeditions of his reign, those against Ireland and Wales, occurred during the period of his proscription by the Roman See.

Moved by this firmness, Innocent sent two legates,

Pandolph and Durand, into England. They were admitted to an audience of the king at a parliament holden at Northampton; when they dared to declare to him, that he was bound to obey the Holy See in temporal affairs as well as in the concerns of religion. John refused to make so monstrous a submission. Whereupon the legate pronounced sentence of excommunication against him with a loud voice, releasing his people from their oaths of allegiance, degrading him from his regal dignity, and declaring him and his posterity to be for ever excluded from the throne. On this occasion, a circumstance is related of John which almost surpasses belief. Desirous of intimidating Pandolph, he ordered a number of prisoners to be brought before him, probably either Irishmen or Welshmen, who had fought for their country under their native princes. He then commanded part to be hanged, part to be blinded, and part to have their feet chopped off. All this was done in the presence of Pandolph. He remained unmoved however. But when it was ordered that a priest charged with forgery should be hanged, the legate's wrath awoke. He rushed out of the apartment in quest of a candle in order to perform his excommunications, and was only appeased by the surrender of the priest into his hands. On the return of the legates, Innocent solemnly ratified all their proceedings against John. His next step was to commit the execution of his final and irrevocable sentence to the king of France, whom he assured of the pardon of his sins if he would execute this pious purpose, promising at the same time to grant him the kingdom of England when it was delivered by his hands from an impure and unnatural oppressor of the Church.

Philip accordingly commanded a great army to assemble at Rouen, whence they were to march to Boulogne, where an armament of seventeen hundred vessels had been prepared to convey them across the channel. John collected a large army at Dover. He had every outward

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means of defence; but he was known to be without spirit or manliness. Pandolph despatched a knight Templar from the French coast to practise on his fears. These men, who visited all the western and some eastern courts, were not without diplomatic address and insinuation. The legate, who followed them privately, filled John with dismay by magnifying the French force, and truly representing the general and very just disaffection of the English barons. The trembling king implored the protection of Rome, whatever submission it might cost. The legate assured him that the supreme Pontiff would require nothing which was not absolutely necessary either to the honour of the Church or to the safety of the king himself; and he proposed to withdraw his excommunication, on condition of John's promising to receive Langton, with all the bishops and clergy who acknowledged him, and to make compensation for the damage which they had suffered. The consummation of ignominy, however, was yet to come. Under the specious pretence of securing England from the attacks of Philip, it was suggested to the king that he should surrender his kingdoms to the Pope as lord paramount; swearing fealty to him, and paying him an annual tribute. John accordingly performed the degrading ceremonial of resignation, homage, and fealty. On his knees he humbly offered his kingdoms to the pope, putting them into the hands of the legate, who retained them for five days. He also offered his tribute, which the legate threw from him, but afterwards stooped to gather. The nuncio then went to France, to announce to Philip that he must no longer molest a prince who was a penitent son and a faithful vassal of the Holy See, nor a kingdom which was now part of the patrimony of St. Peter.

The king of France, yielding to the threats of the nuncio, abandoned his proposed invasion of England. An English fleet of five hundred vessels, however, sent to the succour of the earl of Flanders, then at war with

Philip, obtained a signal victory over the French ships conveying the stores of Philip. The soldiers who defended the latter having gone ashore to plunder, the mariners were surprised by the English, who made prize of three hundred vessels, burning one hundred, with the whole ammunition and provision of the French army. These battles between soldiers embarked in boats navigated by seamen or fishermen, were not what are called in modern language maritime engagements. This action, however, assisted to oblige Philip to abandon his attack, and may be thought curious, as the first conflict on the sea between the two nations.

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The issue of the next campaign on the continent was very different. John landed at Rochelle to carry the war into his former dominions of Poitou, where he boasted of having gained some advantages. These were nullified, however, by the total defeat of his ally the Emperor Otho, with an army of one hundred and fifty thousand Germans, English, and Flemings, by Philip, at the head of an army of not half the number; one of the most signal victories of the Middle Ages, and memorable for the importance then first ascribed to the trained bands of towns and to foot soldiers not noble. July 23.

This year Innocent the Third called together the assembly which became memorable under the name of the Fourth Council of Lateran, which, composed of four hundred bishops and eight hundred abbots and priors, might be justly considered as fully representing the Western Church. Here the ambitious Pontiff exercised the fulness of his assumed authority. The council was principally directed against the heretical Albigeois, who prevailed in the country from the Loire to the Ebro, numbering the king of Arragon and several independent princes among their leaders. By the decrees of this council, all persons convicted of heresy were to be delivered for capital punishment to the secular ruler, who was required, under pain of excommunication, to make oath that he

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would exterminate such heretics. If he did not take the oath within a year, his contumacy was to be reported to the Sovereign Pontiff, who might declare his vassals absolved from their allegiance, and bestow his land on Catholics who concurred in the extermination of heretics. Being a measure, however, of a temporary nature, though undoubtedly acts of gross usurpation upon the civil magistrate, these decrees did not possess that essential form without which they were not vested with the awful character of being for ever binding on the Church. But Innocent was the last of the Hildebrandic pontiffs. His successors, indeed, till the end of the century, followed his example in acts of usurpation, in some of their circumstances still more flagrant than his. But the genius and spirit of the Gregories and the Innocents had departed from the Vatican. The qualities necessary to uphold such pretensions are very rare. In the pontificate of Innocent, and at the Council of Lateran, the popedom had reached its zenith. After that time the frontiers of papal power were not extended. In the decrees of that usurping assembly, the spirit of Gregory the Seventh blazed forth with a violence at which he might have himself wondered.

The whole thirteenth century continued, however, to be a flourishing period of papal power, eminently signalised by the defeat of Frederick the Second, and the destruction of the house of Hohenstaufen. But the removal of the popedom to Avignon, its consequent dependence on the kings of France, and the great schism which for many years divided Europe between rival pontiffs, hastened the decay of the pontifical authority. The Council of Constance, resembling the English Parliament of 1641 in blows against monarchical usurpations, and in severity against further innovation, did indeed heal the wounds of the Church by closing the schism, but did not effect its purpose without decreeing the superiority of general councils over popes, and asserting their au-

thority by requiring all pretenders to the popedom to resign, and deposing those who refused to obey.

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John was the last and most ignoble opponent over whom Innocent triumphed. Early in his reign he became unpopular; and we soon discover the discontent of the nobility in their reluctance to follow him in those expeditions which were their chief delight. This rising spirit cannot be ascribed to the contagion of popular government, to which little inclination seemed as yet to have been shown anywhere but in Italy. The King owed part of the general dislike in which he was held to his unnatural murder of his nephew. The cowardice which characterised that act, if not its cruelty and treachery, could hardly fail to be odious to a nobility not wanting in esteem at least for the single virtue of valour. His insolent treatment also of their wives and daughters (for it does not appear that he descended to plebeian amours) touched their honour in a susceptible point. By the tenor of the charter extorted from him it evidently appears that he abused the facilities of oppression which belonged to his paramount seignory; though the monastic historians were, perhaps, too little acquainted with the forms of law and the course of business to particularise his acts of tyranny. Hated as he was for his crimes, it is still more certain that he must have been despised for their unfruitfulness. "All that I have lost," he said, referring to the forfeiture of his French dominions, "I shall recover in a day." Yet he never recovered a rood of land. Boasts so loud are ill followed by failures at once fatal and complete. Great governments cannot forfeit the respect of foreign states without being lowered in the eye of their own subjects. The chain which connects the foreign policy with the domestic authority of a government may sometimes not be obvious, but it is generally discoverable. When John subjected himself to the Pope, to protect him against France, he incurred that disgust and alienation of his

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own subjects which rarely fails to attend princes who throw themselves on foreigners for protection. Discontent had gradually grown into disaffection: during the last ignominious scenes, disaffection had ripened into revolt.

Stephen Langton, though raised to the primacy under circumstances which might have thrown doubts over his patriotism, exercised his great power as became an Englishman. When the King was absolved at Winchester, Langton, probably suspecting collusion between the tyrants, administered an oath to the King, by which he bound himself to abolish unjust laws, and to restore the good laws of Edward. In a great council holden at St. Alban's, John commanded that the laws of Henry the First should be observed; a form more grateful to a Plantagenet than one which involved a reference to a Saxon prince. The provisions of the charter of Henry the First, or rather the inferences which might be drawn from it, were probably as little understood by the King as by the barons. At a meeting of prelates and peers at St. Paul's, Langton apprised them—not of the existence of that charter but—of the extensive application of the principles and express words of it to their present grievances. It was no wonder that they should rejoice at finding means of redress in an appeal to those very concessions of a Norman sovereign which the King had just issued orders to observe. Langton became henceforward the adviser of the confederated barons. Fuel was added to the flame by the attempt of John on the beautiful wife of Eustace de Vesci, a distinguished baron. When John, with his accustomed insolence, was boasting of his success over a woman celebrated for her virtue as well as her charms, De Vesci could not refrain from saying, that she had substituted in her stead a loose and low female, disguised in the apparel of the high-born dame. John threatened him with death for this bold stratagem. De Vesci, with other sufferers from the like

strages, flocked to the council of the confederates. An assembly of that body met at the abbey of St. Edmunds-ury, where they solemnly swore upon the high altar to withdraw themselves from the King's fealty, and to wage war against him till he should confirm by a charter the liberties which they demanded. In pursuance of this resolution, they proceeded to present their petition to the King, and entered London for this purpose with all the array and parade of war. They there required of him that he should restore the old laws, abolish the new oppressions, and fulfil all that he had lately and solemnly sworn at Winchester. The King, contrary to his nature, but perceiving that the warlike petitioners were ready to constrain him by force, if by no gentler means they could prevail, thought it safer to turn their minds from immediate violence by gaining time, which they granted till Easter. Both parties had applied to the Pope, who had openly and heartily espoused the cause of his vassal, exhorting the barons in a circular letter (of which the copy addressed to De Vesci is still extant) to lay aside conspiracies against their liege lord, now the dear son of his Holiness. Both parties, also, distrusting negotiation, made such preparations for war as they could. In these, however, the barons had the immeasurable superiority. In Easter-week they brought together a large and well-appointed force of their followers at Stamford, composed of two thousand knights, with every other force in proportion, and marched to Brackley; while John, restless and friendless, had stopped for repose at Oxford, from which the baronial army was distant only fifteen miles. He sent the archbishop and the earl of Pembroke, who had not ceased to attend him, to learn their demands. They sent in writing the articles afterwards presented to him for his assent. They announced also, that, unless these rights and liberties were immediately granted, they should proceed, by the capture of his castles, lands, and possessions, to compel him to do justice in the pre-



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mises. The archbishop brought the articles to the King, which, though they were in writing, he repeated gravely and aloud, from his thorough remembrance of what he probably composed. The King, with a scornful sneer, exclaimed\*, "And why do they not also demand my kingdom!" He then furiously swore "that he should never grant liberties which would make himself a slave." On learning this refusal, it was unanimously determined by the barons to appoint Robert Fitzwalter to be their general. Repulsed from Northampton, they were received favourably at Bedford, where deputies came to announce to them the important accession of the city of London to the league, and secretly intimated to them that, if they wished to possess the capital, they should make haste to appear before the gates. They accordingly advanced by hasty marches, and took possession of London. Meanwhile, advice was received that, in spite of the remonstrances of De Vesci, the ambassador of the confederates, it had pleased the Pope to issue a bull in favour of his vassal. In England, these tidings were received only with indignation. The barons despatched summonses to all such of their order as, however lukewarmly or only apparently, still adhered to John, requiring them, under pain of being treated as public enemies, to leave a perjured King to his fate, and join those who had taken up arms to secure the liberties of the people, and to establish the quiet of the kingdom. The far greater part obeyed the summons, and repaired to the confederates assembled at London. John retired to Odiham, where his humble court was now reduced to seven attendants, of whom some are known to have been in their hearts in the barons' camp.

The king now looked round his unquiet retirement with dismay. Appalled by the general secession, he contracted a vindictive hatred against the barons, but discovered the necessity of hiding his revengeful purpose

\* Matthew Paris.

under the mask of conciliation. At the moment when negotiations were apparently advancing, he was secretly labouring, by application to Rome, to stir up the most formidable of enemies against them. "It is needless," say the ancient writers, "to enumerate the barons who composed 'the army of God and of Holy Church:' they were the whole nobility of England;" a phrase nearly equivalent to what in modern language would be called the nobility and gentry. Their followers comprehended all the yeomanry and free peasantry, while the accession of the capital was a pledge of the adherence of the citizens and burgesses. A safe-conduct was granted by John to the deputies to meet him at Staines; and two days afterwards, he, being at Windsor, agreed to a prolongation of the truce to Trinity Monday. On that day both parties advanced to a plain called "Runnymede," on the banks of the Thames, where they encamped apart from each other, like declared enemies, and opened conferences which were not concluded for four days. The preliminaries being agreed upon, the barons presented heads of their grievances, and of the means of redress, in the nature of the bills now offered for the royal assent, except that the King, instead of a simple assent, directed, according to a custom which prevailed long after, that the articles should be reduced to the form of a charter; in which state he issued them as a royal grant, with all the formalities and solemnities attending the promulgation of fundamental laws. Copies were forthwith despatched to the counties and dioceses of the kingdom.

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Measures still more decisive were adopted to curb a faithless King, who had surpassed even his forefathers in falsehood. He was compelled to surrender the city and tower of London, to be kept by the barons till the 15th of August, or until he had completely executed the charter. A still more rigorous provision for security, involving in it a solemn declaration of the lawfulness of resistance to oppression, was required by the barons,

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empowering them to name twenty-five of their number to be guardians of the liberties of the kingdom, with power to these, if they saw any breach of the charter, and if redress was denied, to make war on the King, to seize his castles and lands, and to distress and annoy him in every possible way till justice was done ; " saving only the person of the said lord the king, the person of the queen, and the persons of the royal progeny."

Many parts of the Great Charter were pointed against abuses of the power of the King as lord paramount, and have lost their importance since the downfall of the system of feuds, which it was their purpose to mitigate. But it contains a few maxims of just government, applicable to all places and times, of which it is hardly possible to over-rate the importance of the first promulgation by the supreme authority of a powerful and renowned nation. Some clauses, though limited in words by feudal relations, yet covered general principles of equity which were not slowly unfolded by the example of the charter, and by their obvious importance to the safety and well-being of the whole community.

Aids, or assistance in money, were due from vassals for the ransom of their lord, for the knighting of his eldest son, and for the marriage of his eldest daughter ; but they were often extorted when no such reasons could be urged. Escuage or scutage was a pecuniary compensation in lieu of military service ; but as the approach of war was an easy pretext, it was liable to become an almost arbitrary one. Tallage, an impost assessed on cities and towns, and on freemen who owed no military service, according to an estimate of their income, was also in its nature arbitrary. The barons, however, showed no indifference to the condition of the inferior classes ; for in their articles they require parliamentary consent to the tallages of London and all

other towns, as much as to the aids and scutages which fell upon themselves. In the charter itself, however, tallage was omitted; the liberties of London and other towns were asserted generally. But it contained the memorable provision — “No scutage or aid shall be raised in our kingdom (except in the above three cases) but by the general council of the kingdom;” a concession which, though from motives unknown to us, was not so extensive as the demand, yet applied to bodies so numerous and considerable as sufficiently to declare a principle which could not long remain barren, that the consent of the community is essential to just taxation; and which, after first guarding against arbitrary exaction, in due time showed the means of peaceably subjecting regal power to parliamentary and national opinion. By the charter, as confirmed in the first year of the next reign, even scutages and aids were reserved for further consideration as grave and doubtful matters. But the formidable principle had gone forth. Every species of impost without the consent of parliament, was not however expressly renounced till the statute called *Confirmatio Chartarum*, in the twenty-fifth year of Edward the First, fourscore years after the Great Charter.

To constitute this “general council” for the levy of aids, says the charter, “we shall cause the prelates and greater barons to be separately summoned by our letters; and we shall direct our sheriffs and bailiffs to summon generally all who hold of us in chief; and we shall take care to publish the cause of the summons in the same way, and give forty days’ notice of the meeting.” To the upper house of our modern parliament this clause is still perfectly applicable. From the lower house the “general council” of John’s charter essentially differs, in excluding representation, and in confining the right of concurrence in imposing taxes to the direct tenants of the crown. It presents, however,

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CHAP. the first outline of a parliamentary constitution. The  
 IV. chapters on this subject, with others less important,  
 1215. were reserved for further consideration, on the alleged  
 ground that they contained grave and doubtful matters.  
 Whether this reason was honest or evasive, we cannot  
 positively ascertain; but in Henry the Third's reign, as  
 we shall soon see, a house of commons, such as the  
 present, certainly was assembled.

The thirty-ninth article of the charter is that important one which forbids imprisonment and punishment without lawful trial:—"Let no freeman be imprisoned or outlawed, or in any manner injured nor proceeded against by us, otherwise than by the legal judgment of his peers, or by the law of the land." In this clause are found the germs of the writ of *habeas corpus* and trial by jury, the most effectual securities against oppression which the wisdom of man has hitherto been able to devise. It is surely more praiseworthy in these haughty nobles to have covered all freemen with the same buckler as themselves, than it is worthy of blame not to have included serfs in the same protection. "We shall sell, delay, or deny justice to none." No man can carry farther the principle that justice is the grand debt of every government to the people, which cannot be paid without rendering law cheap, prompt, and equal. Nor is the twentieth section unworthy of the like commendation:—"A freeman shall be amerced in proportion to his offence, saving his contenment, and a merchant saving his merchandise." And surely the barons must be acquitted of an exclusive spirit who subjoin, "and the villain, saving his waggonage." It seems to be apparent from Glanville that villainage was a generic term for servitude in the reign of Henry the Second, so that the villain of the Great Charter must have been at least a species of serf. The provision which directs that the supreme civil court shall be stationary, instead of following the king's person, is

of of that regard to regularity, accessibility, and pendency of public justice, of which the general pre-eminence peculiarly characterises that venerable monument of English liberty. The liberty of coming and going from England, secured to foreign merchants of countries with whom this kingdom is at peace, less there be a previous prohibition, which Lord Coke interprets to mean by act of parliament), even if we would ascribe it to the solicitude of the barons for the constant supply of their castles with foreign luxuries, comes on that very account entitled to regard, inasmuch as the language must be held to have been liberally chosen to promote and insure the purpose of the law.

It is observable that the language of the Great Charter is simple, brief, general without being abstract, expressed in terms of authority, not of argument, yet commonly so reasonable as to carry with it the evidence of its own fitness. It was understood and remembered the simplest of the unlettered age for whom it was intended; and though they did not perceive the extensive consequences which might flow from it, their feelings were, however unconsciously, exalted by its simplicity and grandeur.

It was indeed a peculiar advantage that the consequences of its principles were, if we may so speak, slowly discovered gradually and slowly. It gave out on each occasion only so much of the spirit of liberty and reformation as the circumstances of the particular generation required, and its character would safely bear. For nearly five centuries it was appealed to as decisive authority on behalf of the people. Its effect was not altogether unlike the grand process by which nature employs snows and frosts to cover her delicate germs, and to hinder them from rising above the earth till the atmosphere has acquired the mild and equal temperature which insures them against blights. On the English

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nation, undoubtedly, this charter has contributed to bestow the union of conservation with improvement. To all mankind it set the first example, the progress of a great people in blending their tumultuary democracy and haughty aristocracy with a fluctuating and vaguely limited monarchy, so as at length to form from these discordant materials the only form of free government which experience has shown to be reconcilable with widely extended dominions. Whoever in any future age or unborn nation may admire the felicity of the expedient which converted the power of taxation into the shield of liberty, by which discretionary and secret imprisonment was rendered impracticable, and portions of the people were trained to the exercise of a larger share of judicial power than was ever allotted to them in any other civilised state, and all in such a manner as to secure instead of endangering public tranquillity—whoever exults at the spectacle of enlightened and independent assemblies, under the eye of a well-informed nation, discussing and determining the laws and policy likely to make communities great and happy—whoever is capable of comprehending all the effects of such institutions, with all their possible improvements, upon the mind and genius of a people, is bound to speak with reverential gratitude of the authors of the Great Charter. To have produced it, to have preserved it, to have matured it, constitute the immortal claim of England to the esteem of mankind. Her Bacons and Shakspeares, her Miltons and Newtons, with all the truth which they have revealed, and all the generous virtue which they have inspired, are secondary results when compared with the subjection of men and their rulers to the principles of justice: if, indeed, it be not more true that these mighty spirits could not have been formed except under equal laws, nor roused to full activity without the influence of that spirit which the Great Charter breathed over their forefathers.

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It is impossible to glean such facts from our scanty authorities as would justify a distribution of the praise among those who may in various senses be called the authors. Fitzwalter and De Vesci were the most conspicuous among the military chiefs. The primate and earl marshal, who long remained with the King, performing as much as he allowed them a mediatorial part, were probably engaged in the exposition of grievances, the proposal of remedies, to be afterwards perhaps reduced to legal form by some Glanvilles and Bractons, whose names have not descended to us. Pembroke and Fitzwalter were both junior branches of the ancient race of the counts of Brionne in Normandy. De Vesci espoused the sister of the king of Scots.

The election of the twenty-five guardians, and the transfer of the regal power to them, may seem a departure from the moderate use of victory made by the barons; but it ought not to be regarded in a constitutional point of view. It was a precaution for public safety, which is to be tried by the extent of the danger. It was like the cession of fortresses to the Huguenots by the Edict of Nantes, or the disposal of militia required by the parliament from Charles I. First; measures without which the party about to disarm itself had no security for the observance of engagements.

John could not contain his rage at the conditions imposed upon him. He betrayed it with every symptom of an effeminate and childish spite. His ally the Pope, however, did not fail to come to his aid. He absolved the King from the oaths which he had taken; alleging, first, the absurd reason, that the King had taken up the arms; secondly, the very offensive one, that the King's concessions were void, as not having been made with the consent of the sovereign Pontiff as lord paramount; and lastly, the specious one, that contracts made on compulsion are null—a doctrine which, however plau-



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sible, necessity has banished from contests between foreign nations, because it would render most treaties of peace illusory; and which there is therefore at least equal reason to reject in civil wars, because, otherwise, they could never be brought to a close but by the extirpation of one or other of the contending parties. Shortly after, Innocent, finding the barons steady to their purpose, proceeded to excommunicate them. The general language however of the bull afforded an excuse for leaving it unexecuted. Later, he published a second document of the same sort, in which the chief barons were mentioned by name, and declared to be worse than Saracens. But neither did John neglect the more material means of resistance. By his agents an army of mercenaries from the continent was soon collected. Of these several thousand perished at sea; but a sufficient number reached the shore to place the King once more at the head of an effective force. As the army of the barons could not be kept together, this foreign levy enabled John to lay waste the kingdom with impunity, and with a cruelty scarcely practised even then towards the most hated enemy.

In this emergency the barons in their turn resorted to the equivocal and perilous expedient of calling in foreign aid. They offered the crown to Louis, the eldest son of the French King, who was accordingly acknowledged king of England for a short time. It cannot be denied that parties engaged in just war have a right to seek allies wherever they can find them. On the other hand, foreigners being of all allies the ones most likely to become masters, every measure tending to lessen the repugnance of a nation to foreign rule, impairs its safety and lowers its character! Extreme necessity, therefore, must be clearly proved before the leaders of a people can be excused in admitting alien interference. Happily, the death of John, which occurred at Newark, stopped the progress of the evil. No prince ever left behind him

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less attachment, or even commiseration. There perhaps never was a man whose memory was regarded with such balanced emotions of detestation and contempt.

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HENRY THE THIRD, the eldest son of John by Isabella of Angoulême, underwent the ceremony of coronation in the tenth year of his age. There are few periods so little fruitful in the men and events interesting to mankind as his long and confused reign. Were it not that it exhibits for the first time the elements of the English constitution in disturbed and disorderly fermentation, it would scarcely deserve the consideration of the philosopher and the politician.

After the coronation of the youthful King at Gloucester, the care of his person and government of the kingdom were intrusted by the barons to William Mareschal, second earl of Pembroke. Henry, indeed, had no colour of hereditary right during the life of his unhappy cousin Eleanor of Brittany, who, for many years afterwards, languished a forgotten captive in her convent at Bristol. His reign, like that of many of his predecessors, was computed from his coronation, which act was still regarded, if not as a species of election, at least as a recognition without which the regal title was imperfect. Hubert de Burgh, constable of Dover Castle, who had always remained attached to John, held out for the son of his master. Those of the baronial party who had been most deeply involved, were averse from coalition with the adherents of the court, considering themselves bound in honour to support Louis, who had answered their call. They for a time resisted the persuasive eloquence of Pembroke, who said, at the coronation, "We have persecuted the father for evil demeanour, and worthily; yet this young child whom ye see before you, as he is in years tender, so he is innocent of his father's doings. Wherefore let us appoint him our king and governor, and the yoke of foreign servitude let us cast

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from us." Only the more moderate of the former opponents of John yielded to such appeals; but they, together with the old royalists, were sufficient to bestow the character of legitimacy on the regent's administration, especially against a foreign pretender.

For several months, however, Louis kept the field, with frequent success. He experienced no considerable defection, till at last so large a body of his adherents went over to the regent, as to indicate a general disposition to consider the choice to be between the rule of a native and that of an alien. Pembroke appears with great difficulty to have subdued the repugnance of his own son to an alliance with the court faction. Fitzwalter and the more zealous authors of the charter adhered to their pledged faith and generous detestation of the tyrant's memory, till the battle in the streets of Lincoln, in which the French and baronial army was vanquished and dispersed. A peace was soon after concluded, in which Louis renounced his claims, and Henry's government promised universal amnesty.

The confusion of parties resulting from this struggle; the variety, not to say contrariety, of their motives, and the facility with which hasty unions were formed, and as soon dissolved again, adds to the obscurity which surrounds the conduct of politicians in this reign, and contributes to throw its subsequent transactions into a disorder, which our defective materials do not enable us to re-arrange.

The wise regent made it one of the first acts of his government to bestow the provisions of the Great Charter upon Ireland, and to transmit copies of it to the sheriffs in England, commanding them to read it publicly at the county courts, and strictly enjoining them to see it enforced in every particular. He died soon, however, and was buried in the church of the Knights Templars, leaving behind such a reputation as that nothing but the scantiness of our information can make us hesitate

to call him one of the most prudent and upright of the statesmen of any age.

Hubert de Burgh, the Grand Justiciary, his successor, was a man of ability and spirit, but nurtured in the school of Richard and John. He repressed the disorders of the times with a vigorous and, what would seem in a civilised age, a cruel hand. The leaders in these seem to have been a mixed body of barons still jealous of the King, and of adventurers inured to freebooting. De Burgh obtained at an early period, but did not put in force, a bull from the Pope, declaring Henry competent to do all royal acts. The same year a confirmation of the charters was demanded, but refused on an allegation of duress, the more alarming, that the fact could not be denied. Perhaps, however, a writ addressed to the sheriffs commanding them to inquire into the state of the royal franchises at the time of the rupture between John and the barons, was occasioned by this demand.

About this time, one of the main-springs of the English constitution began its movements. The young King was incensed, and his minister dissatisfied, by the loss of Rochelle, the only port which, since the forfeiture of Normandy, had enabled England to keep up any intercourse with Poitou, which Louis had gained without bloodshed. A parliament was holden, which was opened by a speech from De Burgh, in which he set forth the wrongs and indignities which had been done to the King in his continental dominions, and demanded both aid and counsel. A fifteenth imposed on personal estate would, in his estimate, be sufficient to defray the expense of an expedition against France. To this the parliament assented, on condition that the Great Charter should be confirmed. The subsidy was accepted on these terms; and thus the great example was set of combining a grant of supply with a redress of grievances; out of which all reforms of the constitution have grown. In consequence of this constitutional bargain, was that

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instrument forthwith re-issued in parliament, and has ever since auspiciously held its place at the head of English statutes. In four days after, we find the King nominating commissioners for assessing and collecting the subsidy throughout the kingdom.

The immediate objects of the subsidy, however, were not attained. Rochelle remained in the possession of Louis, and the only result of the expedition was the reduction of some Gascon lords, and the occupation of their strongholds by royal garrisons. A disposition to evade and discredit the charters betrayed itself in the King's councils. The barons, therefore, were in an unquiet state, easily excited to measures of rebellion either by suspicious acts of state, or by wrongs alleged to have been done to some of their number. Richard, earl of Cornwall, elected king of the Romans, became the head of a formidable confederacy. The subject appealed naturally to the charter; but it is not easy, from the names of the leaders, to form an opinion whether this confederacy had a political complexion. De Burgh found himself, through his own growing unpopularity, obliged to obtain a declaration in parliament that the King had attained the years of discretion, doubtless with the expectation of converting his ward, in a state of nominal independence, into a sharper but no less manageable tool than before.

Another bull was obtained from the Pope, whose character as lord paramount seems rather to have been employed as an instrument than appealed to as an authority, enjoining the barons to yield obedience to the King, because, said the flattering Pontiff, "his manly virtues supplied the defects of his unripe years."\*

The commotions in France on the accession of Louis the Ninth tempted Henry to resume his projects of French conquest; but he gave time to Blanche, the Queen-mother and Regent, to compose these dissensions. He

\* Rymer's *Fœdera*, vol. i. p. 190.

did not land in France till late in the war; and when he did, though joined by the duke of Brittany, and other important malcontents, he suffered his army to melt away, while he wasted irrecoverable time in sports and revels. He returned to England soon after covered with disgrace.

One of Henry's vices — his prodigality — was the only part of his character useful to his country. On his return, he demanded and obtained a scutage from Parliament. In the following year the power over the issues of money was still more unequivocally asserted by that assembly, who refused him an aid which he alleged to have been rendered necessary by the poverty to which his French expedition had reduced him; a poverty, it assured him by the mouth of the earl of Chester, that his faithful barons suffered as much as he did.

About this time Henry began to show dissatisfaction with De Burgh, who, after the close of the regency, had remained first minister, with the office of justiciary for life, and to whose negligence or treachery he insinuated that the delay and defeat of his French campaign was owing. What the demerits of De Burgh were, it is hard to conjecture; but in most cases of long administration a minister gains a power over a sovereign, of which the latter becomes weary long before his inconstancy is generally suspected, and at which he is the more indignant as conscious that he wants courage to throw off the yoke. It is then that feeble princes are willing to accept the dreaded help of the people, availing themselves of a violent movement of a multitude odious to them, in order to get rid of a master. De Burgh was charged with having secretly dissuaded the duke of Austria from giving his daughter to Henry; with having debauched a princess of Scotland, intrusted to his care till her nuptials with the King should have been solemnised; with having poisoned the earls of Salisbury and Pem-

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broke; and with having put to death Constantine, a freeman of London, without the form of trial. Dismayed at these accusations, he took refuge in the monastery of Merton; and the King, as is usual in such cases, stimulated his mind to indignation against his disgraced favourite, in order to blind himself to his own injustice and inconstancy. He commanded the mayor of London to bring the justiciary from the asylum, dead or alive. The mayor was proceeding to execute this order at the head of twenty thousand citizens, when the King, reminded of the danger of employing a mob on such an occasion, was persuaded to recall his commands. De Burgh, however, was made prisoner on a journey to visit the Scottish princess already referred to, who had become his wife: he was restored to sanctuary at the instance of the Church, and again surrendered himself a prisoner. After the King had again begun to speak of his minister's long and faithful services, the latter was at length suffered to retire, with the loss of office, but with great honours and estates. These, notwithstanding vexation from the fickleness of the King and the malice of his successor, he continued to enjoy for ten years, when he died at an advanced age.

Peter, bishop of Winchester, a more daring minister than De Burgh, had a still briefer period of favour. He had excited the prejudices of the people and the jealousy of the nobility by loading with invidious preferment numbers of his countrymen from Poitou. Two parliaments were summoned, to both of which the barons refused to repair, alleging the danger of being intercepted by the bands of foreigners. Richard, earl marshal, the third of that powerful family, and the most esteemed man of his age, seems to have been leader of the opposition to the bishop's government. Having suffered spoliation, in contravention of the charter, he avowed his resistance to the King. He took refuge, when worsted in the field, in Ireland, where the Lords

Justices received instructions to send him "dead or alive" to England. The compliant Justices quickly caught the import of this alternative: and, after a long series of acts of falsehood and perfidy, caused him to be cruelly murdered by a treacherous surgeon, who, being called in to heal some of his old wounds, burnt or cauterised them so fiercely as to throw him into a raging fever, of which he died in great agony. An historian\* almost contemporary calls him "the flower of modern chivalry." These and the like excesses proved fatal to the bishop's administration. By the advice of the archbishop, Henry remanded the prelate to his diocese, and the Poitevins to their country.

Henry's marriage with Eleanor of Provence, which had taken place some years before, had brought to England new herds of foreigners of the higher rank, and of more specious pretensions, but not less offensive to the nobility and the people. One of the queen's uncles became prime minister, another primate: on a third the earldom of Richmond was conferred. The motives of opposition among the barons were personal and vulgar. But on that wild stock was grafted the jealousy of favourites, the impatience of irresponsible advisers, and the repugnance to high preferment flowing from the mere goodwill of the King, which afterwards bore such excellent fruit. The summary banishment of obnoxious men from the King's presence and councils had been required and granted in the Great Charter itself. Henry's promise to remove his foreign counsellors, though always violated, yet proved throughout his reign his best expedient for obtaining supplies; so early did the influence of parliamentary advice on the appointment and dismissal of ministers begin to manifest itself in the English constitution.

Henry was again tempted into a fruitless invasion of France, which would have been attended with the loss

\* Matthew Paris.



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of all his continental dominions, if the throne of that country had not been then filled by St. Louis, who, to the highest capacity for government and prowess in arms, added a scrupulous regard to the dictates of conscience, not commonly found either in princes or subjects. He returned this time, as he had done previously, loaded with debt and disgrace.

The King had been obliged, not long before, to lay his wants before a parliament, who, after having refused their consent to the grants of separate aids from the clergy and laity, declaring that no supply could be granted but by the whole body of the kingdom, proposed that the amount when raised should be placed in one of the King's castles under the care of four barons, whom the parliament were to nominate, and who were to see that it was expended for the good of the King and the kingdom. It was not wonderful, therefore, that a new parliament should listen unwillingly to his representations. Two hideages from the cultivators of land, and one scutage from the military tenants, had already been granted to him. A fifteenth, a fortieth, and a thirtieth of all personal estate had also at different times been levied for his service. He canvassed for presents on specious pretexts, so as to be accounted the most sturdy beggar in the kingdom. His exactions, in defiance of the charters confirmed by himself, were excessive and shameless. The Jews were his constant resource. By occasional massacres, by accusations of incredible crimes, and by a sufficient number of judicial murders to give public countenance to the calumnies against them, that people, the most industrious and wealthy portion of the inhabitants, were always at the King's mercy.

These grants to a feudal king, whose demesnes were deemed to yield an income adequate for all ordinary purposes, alarmed the inexperienced barons. Abroad, such liberality to the crown had purchased nought but national dishonour. At home, every grant was fol-

lowed by new breaches of the charter, though it was by promises to observe it that the grants had been obtained. The parliament, therefore, required that four of the nobility should be declared conservators of the liberties of the nation, two to attend the King, to watch over the administration of justice, and to regulate the public expenditure; that they were to be appointed and removed only by common consent; that the justiciary and chancellor were to be elected in parliament; and that two justices of the bench and two barons of the exchequer were to be chosen in like manner, also holding their offices independent of the crown. Dictatorial measures very foreign to the general laws of a commonwealth may be justified by the necessity of guarding immature privileges under an infant constitution, against the unceasing assaults of unwearied and inexorable foes. The above, and other measures of the like kind, adopted in the sequel of this reign, may rather be considered as attempts to ascertain by experiment the best mode of establishing parliamentary control over the application of supplies and the appointment of royal advisers, than as arrangements intended to take a permanent place in the constitution.

Among the foreign nobility who settled in England during the reign of Henry, the most conspicuous was Simon de Montfort, whose father had been unhappily distinguished as the leader of the war of extermination which, under the name of a crusade, the court of Rome had excited against those dissenters from her faith who were called Albigenses. Simon, soon after his arrival, received in marriage the hand of the King's sister, the countess-dowager of Pembroke. When the commotions of the kingdom began to assume a more decidedly political colour, the name of this nobleman came to be more frequently mentioned. A coarse altercation between the King and him is recorded, in which the earl gave the lie to his sovereign, without even proving by that outrage,

CHAP. for which Henry could not take personal satisfaction, the  
IV. courage of which, on all other occasions, he gave ample  
1253. evidence.

May 3. Further to secure the charter, a parliament was held in Westminster Hall, when the bishops, assembled with the peers and in the presence of the King, with the most terrific solemnities excommunicated, anathematized, and expelled from the bosom of the Catholic Church all transgressors of the ancient liberties of the realm, especially of those which are contained in the Great Charter, together with all their aiders and abettors. While the sentence was reading, the King held his hand on his heart with a calm and cheerful countenance; and when the prelates had, according to usage, thrown away their extinct and smoking tapers, saying, "So let all be extinguished and sink into the pit of hell who incur this sentence," he answered, "So help me God, as I shall observe and keep all these things; as I am a Christian man; as I am a knight; as I am a king crowned and anointed."\*

June 11, In the mean time unwonted success attended the  
1258. King's arms in Gascony. He recovered those parts of the province which had fallen into the hands of the Spaniards; and peace was cemented by the marriage of his son Prince Edward with the Princess Eleanor of Castile. Either intoxicated, however, by this gleam of prosperity, or yielding to the usual levity of his nature, he resumed the same arbitrary practices as before. He trusted to an absolution, on the accustomed ground of compulsion, from the Pope, his ally, against the English clergy, who had now made common cause with their own country. A new parliament accordingly, held at Oxford, represented to the King that all confirmations of the Great Charter, however strengthened by the duties of good faith, and by the most terrible denunciations of religion, having been defeated by evil advisers, it was

\* Matthew Paris, p. 746.

now apparent that no security could be sufficient which did not vest the administration of the realm in the hands of men in whom the people and their leaders could put their trust. Twenty-four barons were accordingly chosen, twelve by the King's Council, and twelve by the parliament, who were empowered to redress grievances, and generally to reform the state, subject, however, to a parliament to be assembled thrice in the year, and who were to be informed of breaches of law and justice throughout the country by four knights to be elected for that purpose by each county. These provisions modern writers have represented as a revolution. They are, however, adopted from the Great Charter itself: they were only securities exacted from a faithless enemy when vanquished; and as far as they introduce novelty into the constitution, they consist in a nearer approach to that popular representation which afterwards became so marked a feature of it.

The administration of the twenty-four guardians continued for several years. Henry made a rash and vain attempt to escape from their authority; but discouraged by the integrity of Prince Edward (who declared that though he had reluctantly sworn to observe the provisions of Oxford, yet having sworn, he should abide by his oath), the King was obliged, next year, to submit to a peace, by which he agreed to banish foreigners, to observe the statute of Oxford, and to put the administration of affairs, together with the possession of his castles, into the hands of the barons. After several more similar attempts he agreed that the authority of the chosen barons should continue during the reign of his successor. This stipulation, however, removed the scruples of Edward, who by his accession to their party added so much vigour to the royalists, that it was agreed on both sides to refer their differences to Louis the Ninth of France. The award, however, of that excellent monarch was more conformable to the formalities of law, and to the scruples of

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a timorous conscience, than to the substantial and enlarged equity which alone ought to be applied to such extraordinary occasions. He enjoined the restoration of all castles, possessions, and royal rights enjoyed by the crown before the parliament of Oxford, on condition of the grant of an universal amnesty, and of the full confirmation of all the privileges and liberties already granted. It is obvious that this award was at best only a redress of grievances, without security against their return.

The year 1265 was one of the most memorable in the annals of England. The barons, indignant at an award which imposed obedience without affording security, again turned their arms against the recreant King. Two of the unhappy victories of civil war were achieved by the vigorous genius of Prince Edward; while, on the other hand, Simon de Montfort, at the very moment of his fall, effected an extensive reformation in the constitution of parliament; which, though his authority was not acknowledged by adherents to the letter and forms of law, was afterwards legally adopted by Edward, and rendered the parliament of that year the model of its successors. It may indeed be considered as the practical discovery of popular representation. The particulars of the war are faintly discerned at this distance of time. But the reformation in question, as first affording proof from experience that liberty, order, greatness, power, and wealth are capable of being blended together in a degree of harmony which the wisest men had not before believed to be possible, will be held in everlasting remembrance.

The genius and activity of Prince Edward began now to give a new complexion to his father's fortunes. Several of the barons, among whom was the nephew of the King, deserted to the royal standard; which was further reinforced by a body of Scottish auxiliaries, under leaders who were in no long time to perform a still more

conspicuous part,—John Comyn, John Baliol, lord of Galloway, and Robert Bruce, lord of Annandale.\* The King, being compelled to leave his disaffected capital, fell back with his army on the town and castle of Lewes, where the barons presented a remonstrance, accompanied by vain professions of loyalty. To this the King returned a haughty answer, requiring instant submission. A battle was fought. Prince Edward fell on the Londoners, whom, when they gave way, he pursued with eagerness, to punish their general turbulence, as well as late insults to his mother. Leicester saw the error; and, making no account of the unwarlike citizens, contented himself with cutting off Edward's junction with the rest of the royal army, which he now attacked with such vigour as totally to rout them. The King threw himself into the castle, where his gallant son found means to join him. They were both made prisoners, and compelled to confer the administration of the kingdom on the earls of Leicester and Gloucester. Prince Edward however escaped, and put himself at the head of the royalists; Leicester, on his part, called in the aid of Llewellyn, prince of Wales. In the mean time, by one of those accessions of jealousy which are incident to civil war, the earl of Gloucester was becoming impatient of the ascendant of his imperious colleague, who in effect governed the realm.

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May 14.

The great military event of the war was a fierce and cruel battle fought at Evesham between Prince Edward

Aug. 6.

\* The chief barons who rose against Henry in 1263, were his nephew Henry, the son of the king of the Romans, Henry Montford, Hugh Spenser, Baldwin Wake, Gilbert Gifford, Richard Gray, John de Ros, William Marmion, Henry Hastings, Hamon l'Estrange, John Fitzjohn, Godfrey Lucy, Nicholas Segrave, Roger de Lecburn, John de Vesci, Roger de Clifford, John de Vaune, Gilbert de Clare, Gilbert de Lacy, and Robert Vipont, who raised Simon de Montfort, earl of Leicester, to the chief command, in which he was to be aided by the earls of Gloucester, Derby, and Warren. The great houses of Bigod and Bohun, all the foreigners, and the Piercies, with their warlike borderers, with several other powerful families, made a formidable minority on the side of the King.

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and the earl of Leicester. The King, who was still a prisoner in the hands of the latter, is said to have been brought into the field. The Welsh auxiliaries in Leicester's army are charged (but by English writers) with breaking their lines by a disorderly flight on the first onset. In attempting to rouse the valour of his troops, whom this example had damped, by rushing into the midst of the enemy, Leicester was surrounded and slain. Deprived of their leader, his army was totally defeated with great slaughter. His body was, after being mangled and mutilated in a manner to which the decency of a civilised age forbids a more distinct allusion, laid before the lady of Roger, lord Mortimer, as a sight grateful to her humanity and delicacy. "His hands and feet were cut from the body, and sent to several places."

De Montfort's memory was long revered by the people as one who had died a martyr to their liberties. During the vigorous reign which ensued, popular feeling was overawed; but the generation after, when that feeling could be more freely uttered, he was called "Sir Simon the Righteous." \* Miracles were ascribed to him, and the people murmured at canonisation being withheld from their martyr. He died unconscious of the imperishable name which he acquired by an act which he probably considered as of very small importance, the summoning of a parliament, namely, the lower house of which was composed, as it has ever since been, of knights of the shire, and members for cities and boroughs. He thus unknowingly determined that England was to be a free country. He was the blind instrument of disclosing to the world that great institution of representation, which was to introduce into popular governments a regularity and order far more perfect than had ever been purchased by submission to absolute power, drawing forth liberty from confinement in single localities to a fitness for being spread over the most extensive territories. The

\* Fabian.

origin of so happy an innovation is one of the most interesting objects of inquiry that can be proposed. We have scarcely, however, any positive information on the subject; our ancient historians, though not wanting in diligently recording the number and the acts of our national assemblies, describing their composition in a manner too general to be instructive, and taking little note of novelty or peculiarity in the constitution of the particular one convoked by the earl of Leicester.

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Montfort's assembly met at London, according to writs still extant, and the earliest of their kind known to us, directing "the sheriffs to elect and return two knights for each county; two citizens for each city; and two burgesses for each borough in the county." If this assembly is the same as that which was invested with the power of granting supplies by the Great Charter, the constitution must have undergone an extensive, though unrecorded, revolution in the somewhat inadequate space of only fifty years, which had elapsed since the capitulation of Runnymede; for, in the Great Charter we find the tenants of the crown in chief alone expressly mentioned as forming with the prelates and peers the common council for purposes of taxation; and even these seem to have been required to give their personal attendance, the important circumstances of election and representation not being mentioned. Neither does it contain any stipulation of sufficient distinctness applicable to cities and boroughs, for which it provides no more than the maintenance of their ancient liberties.

Jan. 22.

Conjecture is all that can now be expected respecting the rise and progress of these changes. It is, indeed, beyond all doubt, that by the constitution, even as subsisting under the early Normans, the Great Council shared the legislative power with the king, as clearly as the parliament has since done. But these great councils do not seem to have contained members of popular choice; and the king who was supported by the revenue



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of his demesnes, and by dues from his military tenants, does not appear at first to have imposed, by legislative authority, general taxes. Many of the feudal perquisites however had been arbitrarily augmented and oppressively levied. These the Great Charter, in some cases, reduced to a fixed sum ; while it limited the period of military service itself. With respect to scutages and aids, which were not capable of being reduced to a fixed rate, the security adopted was, that they should never be exacted unless they were assented to at least by the majority of those who were to pay them. Now these were not the people at large, but the military tenants of the crown ; who are accordingly the only persons entitled to be present at the great council to be holden for the purposes of taxation. Very early, however, tallages had been exacted by the crown from those who were not military tenants ; and this imposition daily grew in importance with the relaxation of the feudal tenures, and the increasing opulence of towns. The attempt of the barons to include tallage, and even the vague mention of the privileges of boroughs, are decisive symptoms of this silent revolution. But the feudal character of the charter and the main objects of its framers prevailed over that premature but honest effort of the barons.

The following general observations may, perhaps, throw some light on the transition by which the national assembly passed from an aristocratical legislature, representing, perhaps not inadequately, the opinions of all who could have exercised political rights if they had possessed them ; through the stage of a great council, of which the popular portion consisted of all tenants in chief who had the power and the desire to attend such meetings ; and at last terminated in a parliament, of which members chosen by the lesser nobility, by the landholders, and by the industrious inhabitants of towns, were a component part. With respect to the elections for counties, the necessary steps were few and simple.

The appointment of certain knights to examine and redress grievances in their respective counties, was likely to be the first advance. The instances of such nomination in the thirteenth century\* were probably, in some measure, copied from more ancient precedents, overlooked by the monkish historians. It is scarcely to be doubted that, before the Great Charter, the King had employed commissioners to persuade the gentry of the provinces to pay scutages and aids, which though their general legality was unquestionable, were sure to be often in arrear. These functionaries were, doubtless, armed with power to compromise and to facilitate payment by an equitable distribution of the burden among the military tenants. It is a short step from this state of things to direct the inferior military tenants to send deputies to the capital, empowered to treat with the crown respecting these contributions on general and uniform principles. The distinction made by the charter between the greater barons, who were personally summoned, and the lesser barons, who were only warned to attend by general proclamation, pointed out very obviously the application to the latter of the principle of representation, by which alone they could retain any influence over the public councils.

The other great change—namely, the admission of all who held land from any lord mesne or paramount, not by a base tenure, to vote in the election of knights of the shire—has been generally regarded as inexplicable. Considerable light however has lately been thrown upon it by one of the most acute and learned of our constitutional antiquaries.† It is universally agreed, and, indeed, demonstrated by the earliest writs, that the suitors at the county court became afterwards the voters at county elections. It is now proved that

\* Hallam, *History of the Mid. Ages*, vol. ii. p. 215.

† Mr. Allen, master of Dulwich College. *Ed. Rev.*, vol. xxvi. p. 341.

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numerous free tenants of mesne lords did suit and service at county courts, certainly in the reigns of Henry the Third and of Edward the First; and probably in times so ancient, that we can see no light beyond them. As soon, therefore, as the suitors acquired votes, the whole body of the freeholders became the constituents in counties.

Some part of the same process may be traced in the share of representation conferred on towns. In all the countries which had been provinces of the Roman empire, these communities retained some vestiges of those elective forms, and of that local administration which had been bestowed on them by the civilising policy of their conquerors, and which, though too humble to excite the jealousy, or even to attract the observation, of the petty tyrants in whose territory they were situated, yet undoubtedly contributed to fit them for more valuable privileges in better times. The splendid victory of the Lombard republics over the empire, and the greatness of the maritime states of Venice and Genoa, Pisa and Florence, had rendered Italy the chief seat of European civilisation. In Germany, some towns on the Rhine, and on the northern shore, slowly acquired a republican constitution, imperfectly dependent on the imperial authority. In Switzerland, towns became substantially independent, like those of Italy; and, as in the ancient world, reduced the surrounding territories under their rule. In these towns, the government was either retained by the people, or by degrees confined to an oligarchy; exhibiting, like the cities of Greece, many shades between the extremes, and most of the combinations of which such elements are capable. In France, in the Spanish peninsula, and in the British islands, the deputies became component members of the legislative assemblies. Those of Spain were present at the cortes forty-six years before the Great Charter, the earliest infusion

1169.

of the representative principle into a European legislature. This has been ascribed to the necessity of bribing men by political privileges to garrison as well as inhabit towns exposed to the perpetual attacks of the Moors, from whom they had been recently conquered. In France, the exemption of towns from the jurisdiction of the tyrannical lords of their neighbourhood, which has been falsely attributed to the policy of "Louis le Gros," desirous of raising up rivals to the imperious barons, in truth extended at the same time to a territory twice or thrice as extensive as his principality between the Somme and the Loire, and appears to have been extorted from him, as well as from other lords, by a simultaneous movement originating in the inhabitants of some cities in Flanders and northern France.

In England, charters were early granted exempting towns from baronial tyranny, and sanctioning the usages and bye-laws which regulated their internal government. Those boroughs, which were part of the ancient demesne of the crown, were subject to the payment of feudal incidents. Tallage was exacted from them all; an impost founded on a conjectural and uncertain estimate of the fortunes of individuals. The nature of this arbitrary imposition made it difficult to settle the amount, or to procure payment of it without intercourse between the king's agents and the burgesses, or their authorised proxies. These negotiations were generally committed to the judges of assize; but special commissioners often supplied their place. Nothing was more natural than to simplify these dealings by convoking a general meeting of delegates from boroughs in London. When the consent of parliament was subsequently made necessary to the levies, the burgesses became integral parts of the legislature. The union, so pregnant with momentous and beneficial consequences, of the deputies of the minor nobility in the same house with those of the industrious classes,

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was not systematically adopted till a somewhat later period; but the tendency of two bodies of elective members, whose sanction was the same, to form a united body, is too apparent to require more than the shortest allusion.

After the battle of Evesham and the death of Montfort, the Baronial party appeared to be extinct. The parliament assembled by the Royalists was the pliant instrument of their rapacity and revenge. The followers of Leicester were proscribed, and their lands distributed among the victors. The King distinguished himself by nothing but the unmanly insolence of a feeble mind intoxicated by undeserved success. His sagacious and intrepid son, however, reduced the baronial castles, dispersing assemblages of the malcontent party. The earl of Gloucester, who, after the death of his great rival, once more took up arms for the commons, was compelled to make his peace. Edward entered as a conqueror the Isle of Ely, which again, after an interval of two centuries, seemed to be the last stronghold of English liberty. Gradually the swell left behind by such tempests subsided, and, in no long time, quiet and security appeared to be so generally established, that the prince could take up the cross. Accordingly, two years after, he began his expedition, visiting his illustrious ally St. Louis at Tunis, where that monarch, who, if his judgment had been as sound as his conscience was pure, would have been justly accounted the most excellent of men, died of the plague. The campaign of Edward in the Holy Land, adorned by romantic adventures, and distinguished by feats of arms, could not, however, stay the downfall of Acre, the last remains of Christian conquest in Palestine, which was, twenty years after, to fall under the power of the Mameluke sultans of Egypt.

Nov.

The remaining years of Henry's reign were of little historical importance. He died after a nominal reign of

fifty-six years: a memorable period, which owes no part of its interest to the monarch from whose sway it derives its name. Though Simon de Montfort had been slain, his lifeless remains outraged, his acts branded as those of a usurper, and his name held in abhorrence by the powerful, and distinguished only by the blessings of the poor, and the praise of the learned, yet, in spite of authority and prejudice, his bold and fortunate innovation survived.

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When the barons took up arms against John, they had only exercised the indisputable right of resistance to oppression. They had given a wholesome warning to sovereigns, and breathed into the hearts of nations a new and higher consciousness. But they knew not how to improve their victory: they took no securities, and made no provision for the time to come. Both parties might have alternately prevailed, with no other fruit than alternate tyranny. In the second stage of the contest, however, the national leaders obtained, in the Great Charter, a solemn recognition of the rights of mankind; and provisions which, by reserving to a national assembly the power over taxation, laid the foundation of a permanent and effective control over the crown. Still, the means of redressing grievances chiefly lay in an appeal to arms; a coarse and perilous expedient, which, however justifiable by extreme necessity, is always of uncertain issue, and of which the frequent repetition is incompatible with the peace and order of society. Such were the plans of government in the Great Charter, the provisions of Oxford, and the pact at Lewes.

The third epoch was distinguished by the establishment of a permanent assembly, capable, on ordinary occasions, of checking the prerogative by quiet and constant action; yet strong enough to oppose it more decisively, if no other means of preventing tyranny should be left. Hence the extreme importance of the

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new constitution given to parliament by Simon de Montfort. Hence, also, the necessity under which the succeeding King, with all his policy and energy, found himself of adopting the precedent. It would have been vain to have legally strengthened parliament unless it had been actually strengthened by widening its foundations, by rendering it a bond of union between orders of men jealous of each other, and by multiplying its points of contact with the people, the sole allies from whom real succour could be hoped. The introduction of knights, citizens, and burgesses into the legislature, by its continuance in circumstances so apparently inauspicious, shows how exactly it suited the necessities and demands of society at that moment. No sooner had events produced the measure, than its fitness to the state of the community became apparent. Thus it often happens that in the clamour of men for a succession of objects, society, by a sort of elective attraction, selects from among these that which has an affinity to itself, and easily combines with it in its state at the time. The enlargement of the basis of the legislature thus stood the test which discriminates visionary projects from necessary and prudent reformation. It would be nowise inconsistent with this view of the subject, to suppose that De Montfort, by this novelty, was paying court to the lower orders to gain allies against the nobility; the surmise of one ancient chronicler\*, eagerly adopted by several modern historians. That he might entertain such a project as a temporary expedient, is by no means improbable. To ascribe to him a more extensive foresight, would be unreasonable even in times better than his. If the supposition is correct, it only proves more clearly that his ambition was guided by sagacity; that he saw the class of society which was growing in strength, and with which a provident government ought to seek alliance; and that, amidst the noise and confusion of

\* Thomas Wykes.

popular complaint, he had learned the art of deciphering its often wayward language, and of discriminating the clamour of a moment from demands rooted in the nature and circumstances of society.

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The previous renown of EDWARD THE FIRST secured his peaceable succession during his absence in the Holy Land, as perfectly as if he had been in London and had immediately stepped upon the throne. Conscious of security, he returned slowly, not neglecting his continental territories, and indulging himself in those martial amusements to which a great captain in the prime of manhood was by habit as well as by nature prone. His reign was calculated, not from the day of his father's demise, but from that on which he was himself publicly recognised; according to usage still manifesting a show of respect for the consent of the people.

Leaving out of sight Edward's continental disputes, his active and splendid reign may be considered as an attempt to subject the whole island of Great Britain to his sway. Feudal superiority was the instrument which he employed against Wales with success, and against Scotland with the appearance of having discomfited every adversary.

It has been already observed, that in the first ages after the Saxon invasion, at least six principalities, peopled by the Cambro-British race, occupied the west coast of Britain from the Clyde to the Land's End. At the end of the eleventh century this race was known by the name of Wallenses, or Welshmen; names similar to those applied on the continent by the Teutonic tribes to denote the Gaulish race in their neighbourhood, called by them Walloons in Flanders, and Welsh in Switzerland and Italy. Their history has not yet been extricated from fable; nor has any Welshman yet arisen who has made such an attempt to recover the perhaps still remaining materials for such a composition as will warrant



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us in asserting that they have altogether perished. Early conquest damped the national feeling, which would otherwise have fondly clung to the slenderest fragment of such memorials, from the pursuit and preservation of which at the favourable time they were diverted by their reliance on the legends of Geoffrey of Monmouth. Their subjection was not, like that of Ireland, imperfect; and their very inferior numbers, as well as local situation, prevented that indignation from growing up among them which ages of oppression kept alive in the bosoms of the latter nation. Although there is no evidence of their subjugation by invaders, yet neither do we before the ninth century find authentic accounts of their appearance in the territory of their enemies, under chiefs of name and in a regular array.

As early as the year 876, Wales had been divided into three divisions, North Wales, South Wales, and the intermediate district called "Powis;" of which the rulers were held together by some loose ties of confederacy, and by an arrangement which made each of them the arbitrators of disputes between the others. The jealousies between Wessex and Mercia, and the long contest between the Danes and Saxons, had exposed Wales to frequent inroad and ravage, but had guarded it from absolute conquest.

At the end of the tenth century, Howel Dha appears as a lawgiver; a character under which most nations are pleased to personify the reason of ages, and the feelings out of which their national usages have sprung. The slight difference between the Saxon and the British Christians, respecting the observance of Easter, was sufficient to foster an animosity conducive to the independence of the weaker party. The monasteries from Bangor to St. David's seem, from the examples of Pelagius and Asser, not to have been wanting in the learning of the times. Neighbourhood and intermixture of blood mixed the atrocities of civil discord with their

warfare; thus engendering a new abhorrence of each other.

In 933, Athelstan compelled the Welsh principalities to become his tributaries. Upon this treaty, which may have been broken by the conqueror, or cancelled by subsequent events, and of which we know nothing but the fact of its existence, the Normans built their claim of paramount lordship over the whole island. Powis had been early separated from the principality by the Mercians: its princes gradually sank into English barons, and took an unnatural part in the Norman conquest of their former country.

The beautiful vallies of South Wales soon attracted the rapacity of Norman adventurers. In the year 1091, Fitzhamond, a relation of the duke of Normandy, being called in by a native chief to aid him in a quarrel, reduced Glamorgan, sharing it among his followers. Soon a number of Flemings, compelled to seek refuge abroad by one of those inundations against which the utmost knowledge and skill cannot ensure a country rescued from the sea, implored Henry the First to assign them some place of settlement. He planted them in Dyrfed, since called Pembrokeshire, where their posterity, mixing easily with the Anglo-Normans, are still distinguished by language from their Cambrian neighbours, whom they long treated as natural enemies, agreeably to the policy which occasioned the plantation. South Wales then became a constant scene of carnage. "For the least offence, nay, for suspicion, murder was openly committed."\* In so many petty states owning only a nominal homage to the distant king in London, the chiefs without scruple blinded or murdered all whom they feared, and thought it no more dishonourable to

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\* Powell, History of Wales, p. 155, a translation from the Welsh Chronicle of Caradoc of Llanarvon, who flourished about A.D. 1157; a work which is similar in its origin and materials to the Saxon Chronicle and the Irish Annals, but which has not hitherto had the like good fortune in industrious and critical editors.

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Castellated ruins still mark the strongholds of the Anglo-Normans, and the line by which the invaders marched to embark in the expeditions against Ireland. The Normans, however they might pretend to more advanced civilisation, did not yield in faithless and merciless deeds to the unhappy Britons. In the midst of their distractions the latter had driven back Henry the Second, and obliged him to make peace. Rhys, prince of South Wales, in spite of the dismemberment of his principality, refused to consent to the treaty, and took refuge from slavery in the wilderness of the Tivy. Henry was once more obliged to make a dishonourable retreat before them; and he is charged by the Welsh writers with the inhuman revenge of "plucking out the eyes of the hostages, the sons of the princes of North and South Wales." North Wales, called by the English "Aberfraw," or "Snowdon," which had always exercised some supremacy over the other Cambrian states, was still untouched by the English arms. But its princes unfortunately interfered in the Baronial wars; becoming members of English factions, whose adverse as well as prosperous fortune it seemed meet that they should share; and apparently acquiescing in their own vassalage, by exchanging their independence for the rank of Anglo-Norman lords. Though nothing effectual had been done for their subjugation during the confusion of the reigns of John and Henry, their estrangement from their native country during that period had silently sapped the foundations of their authority.

With the reign of Edward the preparations for an attack on Llewellyn began. The King's claims as liege lord stood him in good stead. This feudal superiority often appeared no more than an alliance equally eligible for both parties. It might, at other times, be represented as only a mere solemnity. Yet, when once

recognised, it was capable of being so stretched in favourable circumstances, as to become a pretext for the vexation of perpetual interference. The lord paramount might excite the discontents of the subordinate tenants against their immediate lords. Whenever the vassal of the crown proved too powerful, it was seldom difficult for the lord paramount to find a decent pretext for acquiescence till a favourable opportunity of aggression should arise. He had the great advantage of acting under those forms of law, and with that tone of legitimate authority, which often shelters the most cruel wrongs. The confiscation of the Plantagenet territory in France, though not so unequivocal an act of injustice as many others of the same kind, was a striking instance of the account to which this jurisdiction might be turned.

Immediately after the recognition of Edward, a summons had been issued to Llewellyn to do homage as one of his great vassals. The duties of vassalage were indisputable, and they had been uniformly acknowledged by Llewellyn. The advantage of form and the plausibilities of legal reasoning were on the side of Edward; but much of the substantial justice of the case is kept out of view by the specious language of the state papers of his ministers.\* Llewellyn urged that he could not with safety repair to the court of a monarch who had violated the terms of a solemn treaty, recently concluded by the mediation of the Pope, and who received disaffected and rebellious Welshmen with favour and distinction. He demanded hostages by way of security; appealing to the Pontiff, and even to the English primate, for the reasonableness of such a request. In the course of the negotiations Edward gave Llewellyn a proof of very ungenerous enmity. The Welsh prince was desirous of solemnising his nuptials with Elinor de Montfort, to whom he had been a

\* Rymer, vol. ii. pp. 504. 550.

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considerable time affianced. As soon as Edward heard of the voyage of this lady from France, he despatched vessels in pursuit of her, who brought her prisoner to England, where she was detained for more than two years, in a period of peace, without any colour of justice, or even pretext of law. The English parliament pronounced the doom of forfeiture against Llewellyn. Sentence of excommunication issued against him.

The first campaign against Wales either languished, or was divided between petty attacks and extensive preparations. But soon Edward summoned all his vassals to take the field. He opened roads into the inmost fastnesses of Snowdon. He repaired or rebuilt the castles of Rhydlan and Flint, manifesting at every step the wariness of a statesman and a commander preparing for the subjugation of a gallant people. Surrounded by such formidable enemies, and touched by the hope of delivering his beloved Elinor, the prince of North Wales acquiesced in the conditions of peace imposed by the conqueror. The whole principality was, in effect, ceded, except Anglesea, the ancient refuge of their princes and their bards, which was also, however, to revert to the liege lord in case of failure of issue male of Llewellyn. Even this remnant of dominion was ransomed by a stipulation to pay the enormous sum of fifty thousand pounds—a sum which, if it was afterwards remitted, was probably not exacted only because it could not be paid. The natural consequences of all treaties of submission soon manifested themselves. Llewellyn reproached himself for the sacrifice of his country, reading no less reproof in the countenance of every faithful subject. Meanwhile, David, his brother, was indignant at a treaty more injurious to himself and his family than to a childless prince, and recoiled probably from the too complete success of his own treason. The prophecies of ancient poets easily assumed the meaning most suitable to the

excited feelings of a brave and superstitious nation. Llewellyn's grievances, if founded in fact, certainly absolved him from the observance of the slavish compact. "The brave people of Snowdon declared, that though the prince should give the king possession of it, they would never submit to strangers." "The prince," said the Welsh chiefs, "cannot in honesty resign his paternal inheritance, and accept other lands among the English, of whose customs and language he is ignorant."\* Edward's army penetrated into Anglesea by a bridge of boats over the Menai, now crossed by one of the greatest works of useful and magnificent art. But David, at the head of his generous mountaineers, carried on a vigorous warfare against them; and Llewellyn himself defeated the English invaders, killing or drowning the greater part of them in their retreat to the main land. In another action the Lords Audley and Clifford were slain, and the King was reduced to the necessity of seeking safety in one of his own castles. In the meantime, Llewellyn, pressed by Roger Mortimer, one of the King's lieutenants, went with a few attendants to a place near Builth, where he appears to have appointed the chiefs of the neighbourhood to meet him. Either lukewarm and fearful, or, as the Welsh annalist intimates, deliberately perfidious, the degenerate princes deserted their gallant leader. Mortimer with a large force fell on him. Thus taken by surprise, and perhaps betrayed, Llewellyn fell, the victim seemingly rather of assassination than of war. One Adam Frankton ran him through the body unawares. As soon as his rank was discovered, his head was cut off and sent to Edward, then at Shrewsbury; by whose command it was placed on the Tower of London, encircled with a crown of willows, in base mockery of those ancient songs which were fondly believed by the Welsh to prefigure their deliverer, as adorned by this symbol of

\* Powell, p. 295.

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sovereignty. Thus perished the last sovereign of one of the most ancient ruling families of Europe.

The year following, Prince David was also made prisoner, tried before an English parliament at Shrewsbury, convicted by them of high treason for the defence of his country, and, after being drawn asunder by horses, was beheaded and cut into four parts; the head exposed beside that of his brother, and the members distributed over four of the chief towns in the kingdom; probably the earliest instance of that horrible punishment afterwards appointed for treason, of which it required all the power of reason, eloquence, and character, united in the person of Sir Samuel Romilly, five hundred years afterwards, to procure the abolition; as if to warn mankind how easily the most execrable example may be introduced, and with what difficulty a country is purified from it.

The mind is often perplexed in estimating the comparative merits of both parties in such contests as that between Edward and Llewellyn; but the only principle by which a just judgment can be formed, is that of invariable regard to the respective intentions of the contending parties. Edward's object was aggrandisement; whatever occasional breaches of treaty or violations of humanity the Welsh may have committed, their deliberate aim never could have reached beyond the defence of their country. The conqueror's ambition tainted all his acts, and renders his conformity to the letter of the law a fraudulent evasion of the rules of justice: their cause was in itself sacred, and entitles them to some excuse for having maintained it by those means which the barbarity of that age deemed lawful.

The massacre of the bards is an act of cruelty imputed to Edward without evidence, and inconsistent with a temper which fitted him for what stern policy required, but was not a wantonly cruel one. It is, however, of those traditions of which the long prevalence att

the deep-rooted hatred of the conquered towards their conquerors. On the death of Llewellyn, one of the most ancient branches of the Celtic race lost their national character. For two centuries thenceforward Wales suffered all the evils of anarchy and misrule. The marches were governed by arbitrary authority; in the interior the people suffered alike from banditti and from tyrannical magistrates. It was not till the reigns of the Tudors, "Britannia's issue," that wise attempts were made to humanise them by equal laws. Their language withheld them from contributing to English literature; and their small numbers, constant disorder, and peculiar social organisation, repressed a genius which might have otherwise assumed a national form. If considered, as they should now be, as a part of the English nation, their literary contributions have been by no means inadequate. Mental produce cannot be expected to any great amount from a people robbed of their national character, and only now re-appearing on a footing of legal and moral equality with other subjects of the crown.

The attempt, so nearly successful, to subjugate Scotland, filled up so entirely and conspicuously the remainder of Edward's reign, as to hide all his other acts from observation. That portion of his administration having been already related\* by the illustrious historian of Scotland, little can be admitted here beyond a brief outline of Edward's policy towards that country, as far as it contributes to illustrate the nature and limits of that great monarch's faults. By the untimely death of Alexander the Third, the last monarch of a Celtic dynasty of unknown antiquity, the crown of Scotland had devolved on the Princess Margaret, known in the rudest fragments of our ancient verses as the "fair maid of Norroway," the daughter of Eric, king of Norway, by a Scottish princess, the only child of Alexander who had issue. This lady had been affianced

\* See advertisement.



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to Edward's eldest son, to whom he had given the name of "Prince of Wales," with the consent of the king of Norway and of the estates of Scotland, on conditions which preserved alike the honour, dignity, and independence of both kingdoms. Though the treaty contained a general reservation of the claims of the two countries, it was silent on the ancient pretension to superiority over Scotland, and expressly provided, that no baron who was a vassal of Edward should leave his own country to do homage; a provision which by its silence respecting the Scottish kings, seemed to imply a renunciation of all claim of Edward to be paramount in that part of the island, and amounting to a confession that the English policy towards the unfortunate Llewellyn had been unjustifiable. This treaty, so friendly in its terms and tone, afforded no reason for apprehending the scenes which ensued. But the royal infant, the frail bond of union between ambitious rulers and turbulent nations, died on her stormy voyage from Norway to Scotland. Many competitors for the Scottish crown sprang up, of whom the greater number urged pretensions so manifestly groundless, as to show that justice was the least part of that on which they relied. Two only had specious claims—John Baliol, lord of Galloway, and Robert Bruce, lord of Annandale, both among the most powerful of those last of the Anglo-Norman barons who had settled in Scotland. The titles were so equally balanced, that in the uncertain jurisprudence of that age a determination might have been pronounced in favour of either, without warranting the imputation of manifest injustice. The right of succession being limited to the descendants of David, earl of Huntingdon, brother to "William the Lion," John Baliol was the grandson of that prince's eldest daughter, while Robert Bruce was the son of his second daughter. Baliol was, on the modern principle of representation, the undoubted heir. Bruce, however, claimed as being one degree

nearer of kin to the common ancestor; a title which was probably thought at that time not untenable.

The untimely death of the young queen naturally spread consternation through Scotland. It was the forerunner of twenty years of foreign and civil war, and of an apparently final imposition of the yoke of the stranger; soon, however, to be thrown off by efforts of national spirit which maintained for ages the independence and the fame which have fostered the characteristic virtues and invigorated the intellectual powers of the people.

Edward had many pretences for interfering on this occasion; he was the uncle of the deceased princess, who had been affianced to his son, and during whose long minority he would probably have conducted the government. The Scottish succession, also, was so intimately connected with the tranquillity of the whole island, that he had an honest interest in settling it peaceably. The homage formerly done by the Scottish princes had often been expressly limited to English fiefs, or to the province of Scotland south of the Forth, called "Louden," or "Louthen," formerly a part of the old kingdom of Northumberland. In times of friendship, however, the nature of this homage had been left undefined; while during the periods of England's insolent success, homage for the whole of Scotland had been required. In short, such was the variety of these precedents, that Edward, when a judge in his own cause, could hardly be much condemned for considering them as favourable to himself. He issued a summons to the barons of the five northern counties, among whom were Bruce and Baliol, to meet him at Norham with all their military force; and summoned also the nobility and clergy of Scotland to meet him there about the same time, the language of the latter summons however being studiously ambiguous. As Edward had shortly before appointed the bishop of Durham to be his son's and Mar-

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garet's lieutenant in Scotland, it was the easier for him to continue a superintendence over Scottish affairs, in the mixed character of guardian to his minor son and niece, and of a party to the treaty of marriage between them, without giving alarm by avowing new pretensions, or tying up his own hands by a more precise definition of his rights. The nobles of Scotland accordingly repaired to Norham on the faith of his royal safe-conduct, but apparently without armed followers, though in a foreign territory and in the midst of preparations for assembling an army. Brabazon, justiciary of England, informed the Scotch that Edward, as lord paramount of Scotland, had made this long journey to do justice in the great cause of the succession to the crown of Scotland. It is manifest that the States of Scotland were taken by surprise, for they prayed for an interval of three weeks to consider their answer. So sagacious a prince, who adhered rigorously to forms and solemnities, could scarcely hesitate about granting so specious a prayer; especially in a case where his influence over the competitors, who well knew that, under whatever title, it was he who would decide their fate, would secure him against indefinite delay. At the adjourned meeting, when once more required to acknowledge him Lord Paramount, the states ventured to say that this pretension was new to them, and to add, "No answer could be made while the throne was vacant;" an observation to which no reply was possible, and which drove Edward to a threat of force. "By St. Edward," said he, "whose crown I wear, I will vindicate my just rights or perish in the attempt!" \* Intimidated by this language, the competitors, whose interest in the question and ascendancy over the body of chiefs rendered their example irresistible, began by recognising Edward's claims, and by agreeing that all the fortresses of the kingdom should be put into his hands. Thus the English king obtained

\* Walsingham, p. 56.

the means of doing right, but the means also of doing wrong. His justiciary then solemnly protested that the King, though he had confined himself for the present to the assertion of his rights, by no means renounced his direct claims to the Scottish throne, which he expressly reserved to himself the liberty of making when he should think fit; thus leaving it open for him to claim Scotland as a male fief reverting to the liege lord for want of an heir male,—a part of the subject as yet untouched by the discussion.

The net was now drawn round the States of Scotland. The English monarch had so skilfully inveigled them into his snares, that he was at leisure to give a smooth varnish of judicial deliberation, and a shallow semblance of free agency, to proceedings into which they had been plunged by the example of the competitors, and from which Edward, with whatever outward decorum, sternly forbade them to retire. They were even obliged to subscribe a declaration, stating that their acts were free and wholly uninfluenced by force or fear; language the necessity of which generally proves its falsehood. Mark, bishop of Sodor (that is, of the southern Hebrides) was infamous enough to bring the first-fruits of servility to the feet of Edward, and was the only prelate who swore the oath of fealty on the first day. Gilbert de Umfrville, earl of Angus, a nobleman of Anglo-Norman lineage, was the only man who showed a spark of Scottish spirit, by refusing to surrender the castles of Dundee and Forfar to England without an indemnity from Edward and from the competitors for yielding to the general defection.

After many other parliamentary proceedings, the King gave judgment, that John Baliol should recover and have seisin of the kingdom of Scotland. The judgment was certainly justifiable; and perhaps it was that which the most learned and impartial judges would then have pronounced. Neither was the character of Edward so de-

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proved that the justice of the judgment was not likely to have been, perhaps, his strongest inducement for pronouncing it. All the competitors were equally in his power. The spell of a common slavishness had equally disabled all from effectual resistance to his farther encroachments. In this state of things, it would be a wanton over-refinement to suggest that he gave judgment for the right heir, in order to conceal and secure his farther unrighteous purpose. Baliol swore fealty to

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Edward, and was crowned at Scone in the same month. Discussions on the much-disputed question of appeals from the Scottish courts to the English parliament were a plentiful source of ill-humour. The king of Scotland was vexatiously summoned to parliament. Baliol, a man of inconstant and impatient temper, rather than of a mean spirit, could not bear the reproaches of his people, and was unable to contain his indignation till his means of giving effect to it had been prepared. A war broke out between England and France, in which Edward demanded the military service of the Scotch. That nation eluded the demand, prevailing on Baliol to dismiss all Englishmen from his court; and secretly concluded an alliance with France. Hostilities were carried on for a year with various success. The Scots were at length everywhere defeated. Baliol, who had shown some sparks of spirit, made a submission to Edward in terms the most abject. The English monarch in his march, which extended to Elgin in Murray, saw nothing but submission and slavery; nor can he be charged with an abuse of victory.

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Scotland, however, the condition of which seemed utterly forlorn, was saved by the genius and heroism of Sir William Wallace, of Ellerslie in Renfrewshire. This gallant person, whose exploits will always be fresh to the heart of every man who loves the independence of his country, began, like most patriotic heroes, to harass the conqueror by petty attacks and nocturnal surprises,

slowly converting a little band of followers into the basis of an army. No authority at once legal and free can exist in a conquered country. As power, therefore, could not be regularly conferred on him, necessity warranted him in assuming it. He sometimes professed to act on behalf of Baliol; at other times he covered himself under the name of a few associates, who appeared to continue the regency established in the minority of the young queen, or to act as the States of the kingdom. The higher nobility profited by his success, and paid court to him in the season of victory; but they were jealous of his fame, and indignant at the presumption with which a man of no distinguished lineage dared to save a country which its own nobility had betrayed. As far as our scanty information reaches, he seems to have checked the ferocity of the outlaws and freebooters whose aid he was compelled to employ. During an inroad into England, he granted a protection to the monks of Hexham for their lives and possessions. "Abide with me," said he to them, "for here alone can you be secure; my people are evil-doers, and I cannot punish them."\* He was at last defeated at Falkirk, his adherents mutinying and dispersing. Bruce and Comyn, two of the most powerful lords, were, together with the primate, chosen by some sort of tumultuary election to be guardians of Scotland. The jealousy of the nobles, and the unpopularity of a signal reverse, hide Wallace from our sight for several years. A truce was concluded through the mediation of France. On the renewal of hostilities, a great victory was obtained by Fraser and Comyn over the English at Roslyn. Next year, however, Edward penetrated once more to the northern extremities of Scotland, and completed for a time the reduction of the country. Comyn made his peace by submission. Wallace, Sir Simon Fraser, and Sir William Oliphant, were the only

\* William of Hemingford.

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Scotchmen who had the honour to be excluded from the brand of amnesty. Sir John Monteith, a Scotch baron of high birth, stooped to the base office of pursuing and apprehending the hero; and is charged by tradition with the unspeakable guilt of betraying him to Edward under the disguise of friendship. He who could perform so mean a part as the first in the execution of the law, might, indeed, consider perfidy as a lawful stratagem in war. When Wallace was arraigned at Westminster, he said, "I never was a traitor to the king of England;" scorning to deny that he had fought for the independence of his country. For this pretended crime, however, he was, like the last of the Welsh princes, hanged, drawn, and quartered. But though Edward enforced the outward show of disgrace, he had no power over the hearts and consciences of men. Wallace's death was the more glorious, from the ignominy which the impotent rage of the conqueror heaped on his lifeless corse. His name stands brightly forward among the foremost of men, with Vasa, with the two Williams of Orange, with Washington, with Kosciusko, with his own more fortunate but less pure successor, Robert Bruce. His spirit survived him in Scotland. The nation, touched to its innermost sentiments, by a hero who had arisen among themselves, and who conquered by them alone, retained the impulse which his mighty arm had communicated.

Bruce, earl of Carrick, was roused by the national feeling. In an accidental quarrel, or from a mixture of provocation and premeditation, he slew Comyn, his most powerful rival, in the church of Dumfries, with circumstances characteristic of a barbarous age and country. He was soon after crowned at Scone. He obtained some considerable advantages; but was often compelled to disband his followers and take refuge in the Highlands, in the Hebrides, and even in Ireland. The Celtic tribes espoused his cause. He negotiated

with the Welsh malcontents, and his brother for a time maintained a struggle for the crown of Ireland. The French also encouraged him. Among the Scottish Normans, a considerable party, deeply pledged to Edward, influenced by their possessions in England, and despairing of forgiveness from the Scotch, whom they had betrayed, still remained steady to the English monarch. That great prince, incensed at the unconquered spirit of the subject nation, assembled once more a mighty army to render resistance hopeless. But heaven had decreed to stay the invasion. Edward died on his march at Burgh on Sands in Cumberland, leaving behind him the character of a great statesman and commander, who never did wrong but when it seemed necessary to his greatness; and who ought to be tried by the maxims of an age which considered the enlargement of dominion as the business of a sovereign; in which the insecurity of states seemed so big with evil that nothing done to secure them was deemed unjustifiable, and when a prince who deigned to disguise his strokes of policy under the forms of law had little to fear from their injustice. His regard for legal formalities was a natural part of his character, and a useful restraint on his severities. Lenity towards competitors, and mercy towards offenders, were then undiscovered virtues. It would have been vain to have expected that he should not remove an impediment that stood in the way of his ambition. There can be no doubt that he employed his feudal pretensions for the purpose of subduing Scotland as well as Wales. It is scarcely possible that the first pretexts, the gradual advances, and the apparently final results of both these enterprises should have so agreed as they did, unless they had flowed from the same poisonous fountain. The circumvention of the estates of Scotland was, in fact, only the first step in a deliberate plan of conquest. Hence, what is a conqueror but a perpetual plotter



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against the welfare of nations ? Treaties and alliances, being wholly turned aside from their avowed and lawful object, are imposed by him only to forward his scheme of reducing his neighbours to thralldom. They are no more than links in the chain which he is winding round the world. Every act, therefore, dictating such compacts, is a crime. When their intention is perfectly manifest, and when there is a reasonable hope of success in the attempt to break them, the observance of them is treachery against the rights of nations. No casuist, however formal, could carry regard for such compacts farther than the rule which a philosophical moralist \* applies to promises extorted by private robbers, — that though an utter disregard for them might tempt the plunderer to become a murderer, yet it would be unreasonable to be drawn by ties woven by the hand of a freebooter in a direction opposite to the general principles of charity and duty. Treaties no more bind a people to a foreign conqueror, than allegiance is due from them to a domestic oppressor. The exceptions to be observed are indeed rare ; but the principles from which they flow are the last hope of the most sacred and inviolable rights of mankind. What glory is not due to those who, like Wallace, are ready, for their country, to commit even their good name to fortune ; who, for the sake of justice, wear the garb of offenders, with the full knowledge that nothing but signal success will save them from the reproaches of a posterity as base as their contemporaries ?

To return to England : as it is certain that, from the first establishment of the Saxons, national assemblies shared the power of legislation with kings, so it is probable that these were thrown into the form of a modern parliament by the struggles which distracted the kingdom under the reigns of John and of his son Henry. At whatever period that important transformation may be said to have commenced, its completion through every limit

\* Paley, Moral and Political Philosophy, chap. 5.

and organ must have been the work of time. Most of its parts were irregularly and unequally unfolded : some attained their vigour before others, and the growth of some appeared for a time to be checked ; yet, on the whole, the love of liberty, turbulent though it be deemed by many, has so much affinity to law, and so wholesome a jealousy of force, that, if mildly treated, it composes in the end the disorders of the multitude ; and when it has once thoroughly influenced the system, pours a stream of health into limbs palsied by the long inactivity of tyranny, or by its occasional convulsions.

It appears from documents still extant, that about twelve parliaments, of which knights, citizens, and burghesses were component members, were holden by Edward ; who, in spite of his prejudices against De Montfort's innovations, discovered the policy of employing them to render his ambitious projects acceptable to the people, and to involve his nobility in the odium of his political crimes. One of these was assembled at Shrewsbury to sanction the murder of prince David of Wales. They succeeded each other with unwonted rapidity during the period of his costly and unconscientious enterprises against Scotland. The power of parliament was thus enlarged by this monarch as well as by his successors, not only to facilitate grants of money, but to share the responsibility of harsh acts of government, and to introduce innovations too daring to be hazarded by a single arm. The compliance of parliaments, perhaps as much as their independence, multiplied precedents favourable to their right of interposition in public affairs.

It is uncertain when the regular division into two houses first occurred. Originally it should seem, from the various proportions of subsidies contributed by the different orders, that each of the three estates taxed themselves separately. In France the orders appear to have generally acted independently of each other. In

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Sweden and the Tyrol, where there seems to have been a fourth estate of free boors, each was distinct from the others. In Scotland the parliament voted as one body; but in this body it may be doubted whether the commissioners for shires were not considered, in rank at least, as a species of fourth estate. It was not till the next reign that the knights of the shire began regularly to form one body with the citizens and burgesses, sitting in a separate house from that occupied by the spiritual and temporal lords. The circumstances which probably produced this arrangement have already been hinted at as much as the limits of an historical compend will allow. The consequences which sprang from it may be numbered among the most important and beneficial in the annals of mankind; and are remarkable as a decisive example how little even remote consequences are placed beyond the reach of human foresight. It seems probable that those who held land by military service were distinguished from other freemen; and the charter of John requires them to be summoned to the great council with as much formality, though not with so stately a courtesy, as the greatest barons. In process of time they were collected into a body which in some measure corresponded with the inferior nobility of continental countries. The charters, and another ancient statute, by prohibiting guardians from disparaging their wards by marrying them to persons of inferior condition, seem to imply the existence of a body of freemen in England, with whom the military tenants could no more intermarry without degradation than the earls and barons themselves. But when the burgesses, thus marked as a lower caste, had been long united in the same chamber with the progenitors of our modern gentry, engaged like them in taxation, and with them deriving power from representation, they received an lustre and vigour from their more exalted associates, which corresponding bodies in no other country had the

like means of attaining. The influence of this amalgamation, first in promoting the power of the commons, and afterwards in contributing to the cautious exercise of that power, as well as in giving a liberal structure and spirit to the whole frame of the community, entitles it to be regarded as a singularly important occurrence. The sons of earls and barons sought an elective seat by the side of the lesser nobility, since called gentry, some of whom had before touched them closely in importance. The highest lord, whose wedlock with the daughter of a military tenant was not deemed a disparagement, continued to contract such alliances. On the other hand, the knights must have gradually felt an abatement of their contempt for the industrious classes, whose representatives shared, equally with themselves, the exercise of the highest functions of the state. That co-operation and equality slowly effaced the broad distinction between the two bodies ; and their junction raised up a House of Commons, receiving dignity from its place in the state, and deriving a spirit and energy from popular elections, which that institution, even in its infancy, could alone bestow. Such an assembly was strong, not only by their legal power, but their moral influence. It would have been little to possess the power of the purse, if their arms had not been strong enough to keep hold of it. The third estate in some other countries had the like authority at an earlier period ; but being composed solely of the immature and slighted representatives of the industrious interests, they had too low a place in general estimation to wield their privileges with effect. The whole of the class hitherto distinguished were, in the continental countries, inseparably mingled with their own immediate superiors, the barons, and kept asunder from the third estate by boundaries of caste as impassable as if the latter body had not been called to any share of political power. If, in speaking of the thirteenth century, we may use an expression which is


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more applicable to later times, the third estate on the continent was without any sprinkling of "gentlemen."

The influence of the house of commons on the whole order of society became, in the course of centuries, still more worthy of attention; though at first, as acting by opinion rather than law, it was neither easy to trace its progress, nor to afford clear proof of its insensible but extensive influence. The source of such influence was evidently the parliamentary union of the lesser nobility with the burgesses, which could not fail in due time to produce a correspondent union throughout society. In the reign of Edward the Second the fords between the orders were so passable that commoners seem to have been called to the peerage. It was not till the time of Henry the Sixth that the word "gentleman" began to be used in somewhat of that modern sense which distinguishes it legally from a nobleman, and morally from an uneducated plebeian. Later heralds and genealogists began to complain of its indiscriminate application; in their antiquarian pleasantry, representing it as being usurped by every idle and useless upstart.

The principle of birth continued to lie at the foundation of the body of gentry, lending to every newly-received candidate some portion of a feeling which is so much mingled with the moralities of education, with the means of generosity, and with lasting exemption from grievous and disreputable toil, that, except where it is counteracted by jealousy of other ranks, it never can fail, with or without the aid of legal privilege, to be an agreeable object of contemplation, whether in our own possession or in that of others. But in the course of ages that body gradually opened their arms to receive among them all men of liberal education and condition. It became a species of voluntary aristocracy, which, after silent trial, adopted every man who appeared to be distinguished from the multitude. Its privileges were bestowed neither by kings nor laws;



and were only withdrawn on strong appearances that the delicacies and refinements of honour imposed, when the rank was granted, had been disregarded. One of its last and most modern results was an unbroken chain of connection extending from the steps of the throne to the lowest limit of liberal education. It would be easy to multiply examples of gentlemen of moderate fortune whose affinities spread nearly to the opposite points. Distant as the extremities are, the steps are in the intermediate degrees short, and made without effort. Every accurate observer may easily convince himself how much all the parts of the chain are fastened together by links more in number and strength than would at first be thought probable.

The natural subserviency of this intermixture of interests and attachments to the quiet and harmony of the community, is too obvious to need illustration. Hence it in a great measure came to pass that the fiercest civil dissensions of after-times were not between orders, but between parties, each of whom contained in itself a portion of every order, checking the tendency of each party to extremities, and affording inducements to moderation as well as channels of compromise. Hence also, perhaps, that extraordinary union of the principles of stability and advancement which has enabled the British constitution to pass unbroken through so vast an extent of time and place; to control an absolute monarchy in India; and, after political separation, to witness its laws and institutions flourishing among the North American democracies. Nothing short of a union of the most seemingly discordant classes, linked together by ties too deep for common observation, could fit it to be a bond of union between the most ancient times of which we have an account and the most remote futurity which our imagination can anticipate.

From the Norman invasion to the reigns of the

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CHAP. Edwards, the assembly since called the "house of lords,"  
IV. appears to have been composed of barons and prelates,  
1307. who sat in right of territorial possession holden from the crown, and were more specifically designated by the first great charter as "the greater barons." After other members had been added to the assembly, the ancient baronies were distinguished from such additions as baronies by tenure; which, as being descendible to females like estates in fee simple, have been called baronies in fee. About the time of the transformation of the great or common council into a parliament, the number of these original barons seems to have been about a hundred and fifty. They appear at the opening of our authentic history, simultaneously with the kings, and probably arising from the same usage which was the foundation of the royal authority. Earls enjoyed no parliamentary rights different from barons. Edward the Third created his son, the Black Prince, duke of Cornwall; Richard the Second raised his favourite De Vere to the new dignity of marquis of Ireland; the title of viscount was conferred on Lord Beaumont by Henry the Sixth. These titular innovations, however, copied from France, did not substantially affect the composition or power of the house, all the lay members of which still continued to be equals or peers in parliament. An essential change in its character, however, arose from the introduction of barons by writ, notable men who were summoned by the king to aid and advise him in parliament, without any right antecedent to his selection, or independent of it. These writs of summons to persons not barons appear to have been introduced in the time of John, and resorted to more liberally by his successor, to strengthen himself against De Montfort and the more powerful lords. Like most constitutional changes, they were little remarked by ancient writers; but they prepared the means of changing the close aristocracy of the barons, which

must otherwise have become closer still by decay of number, into a body capable of being opened as widely as might be deemed desirable. The writs were at first either never renewed or but very irregularly continued.

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While this constitution of the house lasted, the king having the power of ceasing to summon the barons by writ, whenever they threatened to be independent, their suffrages were necessarily at his service. It was not until the sixteenth century settled, that when a man had been summoned to parliament, and taken his seat in consequence, he and his heirs were ennobled. From that moment it became hazardous for the crown to multiply peerages. For though their first possessors might be servile, they could not be insured against the risk of falling to the lot of less practicable successors. The most modern and usual mode of creating peers is by letters patent under the great seal, constituting the grantee and his heirs male one of the peers or barons of the kingdom; a practice which began in the time of Richard the Second, and of which the first example was in the case of John, lord Beauchamp. The power of ennobling existed also in France. But as the lesser barons were there blended in the same order with the greater, and as all noblemen sat in the States-General only by election, letters of nobility made small impression on so great a mass, and left the chasm between them and the industrious classes as wide as before. In England, the royal prerogative of creating peers broke down the monopoly, laying open to the prosperous commoner the ascent to nobility; while, on the other hand, as all members of noble families but the head sank to the level of the people, they carried downward to the body of freemen at every death among peers a reinforcement of influence and dignity.

Among the most important circumstances which united the knights with the burgesses was the resem-



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blance in the mode of the trial of both for offences. commoners were tried by a jury of twelve men. The highest knight was subject to this jurisdiction; and the lowest freeman, if not a serf, was entitled to its protection. There are scarcely any authentic materials for the early history of this institution. It seems to have arisen from the confluence of several causes. Perhaps the first conception of it may have been suggested by the very simple expedient of referring a cause from a county court to a select committee of their neighbours, which was required to consist of twelve, for no other or even cause, that has been discovered. In criminal cases, it appears, from the laws of the barbarian times, that men were acquitted on the testimony of compurgators who swore that they did not believe the accuser guilty. In civil cases, the obvious analogy of arbitration might have contributed to the adoption of juries. Men unacquainted with, and incapable of, a patient dispassionate view of facts, might find it safer, as it was easier, to rely on a sort of general testimony given by twelve respectable neighbours on the gross merits of the case, than on the individual or litigated question. There are many marks in this celebrated institution which indicate that it must have been regarded, to some extent, in the first light as witnesses. Neighbourhood, for instance, might be dangerous to the impartiality of a jury, and it is advantageous to the knowledge of a witness. A "true" means "a true saying," and "jurors" are "sworn to give a true verdict." Jurors were liable to punishment for flagrant injustice; and it is still a maxim of law that they have the very dangerous power of finding a verdict from their own knowledge. A case is preserved from the reign of the Conqueror, which has no appearance of the dawn of trial by jury.\* The king commanded the men of the county of Kent to decide whether certain lands pertained to the crown, or

\* *Registrum Roffense*, p. 42.

arch of Rochester. They affirmed that the land was  
 king's. Twelve of them were directed to swear to  
 truth of what they said. They withdrew to con-  
 sider the matter, and on their return took the oath.  
 One afterwards confessing that they had been inti-  
 mated by the sheriff, they were adjudged to be per-  
 jured; and, on the oaths of twelve other men, "the best  
 of the county," the lands were restored to the church.  
 We see an appeal to the neighbourhood, a reference  
 to the county court to twelve men, an attain of these  
 jurors for a false verdict, and a proceeding very similar  
 to what is now called a new trial. The trial by twelve  
 became at length so much the usual form in ju-  
 dicial proceedings, as to be called the course and order  
 of the common law. The consuetudinary or common  
 law consisted of certain maxims of simple justice, which  
 are taught by nature to observe, blended with cer-  
 tain ancient usages, often in themselves convenient and  
 reasonable, but chiefly recommended by the expediency  
 of adhering to long and well-known rules of conduct.  
 The progress of our common law till the reign of Edward  
 First, bears a strong resemblance to that of Rome.  
 In primitive maxims and customs were applied to all  
 cases to which they appeared applicable. Courts in  
 the land, private lawyers, juridical writers, and absolute  
 arches at Rome, in delivering opinions concerning  
 difficult cases, extended the analogy from age to age,  
 and an immense fabric of jurisprudence was at length  
 raised on somewhat rude foundations. The legislature  
 occasionally interposed, to amend customs, to widen  
 narrow principles; but these occasional interpositions  
 were no more than petty repairs in a vast building.  
 In the reign of Edward we possess the "year books,"  
 annual notes of the cases adjudged by our courts. It  
 was not till a century later that elementary treatises,  
 judicial digests, and works on special subjects, were  
 collected from these materials, by Lyttleton, Fortescue,

CHAP. and Brooke. So conspicuous a station at the head of  
IV. our uninterrupted jurisprudence has contributed, more  
1307. than his legislative acts, to procure for Edward the name  
of "the English Justinian."

The science of law, which struggles to combine inflexible rules with transactions and relations perpetually changing, can obtain no part of its object without the exercise of more ingenuity, and the use of distinctions more subtle than might be deemed suitable in the regulation of practice. In course of time the modes of thought of the lawyers, who were commonly ecclesiastics, were still further warped by the excessive refinements of the scholastic philosophy, which had reached its zenith under Thomas Aquinas, and seemed to have overshot it in the hands of his disciple and antagonist, Duns Scotus. A proneness to uninstructional acuteness, and to distinctions purely verbal, infected it from the cradle. It is difficult not to admire the logical art with which fact is separated from law, and the whole subject in litigation reduced to one or a few points on which the decision must hinge. It has been the ancient and unremitted complaint of the most learned lawyers, that the system has been overloaded with vain and unprofitable subtleties, which, in the eager pursuit of an ostentatious precision, has plunged it into darkness and confusion. We are now labouring to systematise what the experience of our ancestors has collected, and to unite with it more simplicity and clearness. The nineteenth century has at length brought us nearly to the same period which the Romans had reached under Justinian. Our materials are ample, and our skill in reducing them to simplicity and order ought not to yield to that of any former age.

About the commencement of the fourteenth century, the English language had undergone the whole change to which it was doomed by the irruption of Norman words. Many French and Latin words have, indeed,

been introduced later, but by learning or pedantry, rather than by the convenience of familiar intercourse. Many books perfectly intelligible to us were written before Edward the Third. Half a century before that great age, we perceive many bright forerunners of its approach. Shortly before the English language produced one of the earliest books of travels, in Mandeville; one of the earliest appeals to the people in questions of religion, in Wickliffe; and the second poet of reviving Europe, in Chaucer.

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The language had now been formed; the constitution had put on its modern outline, and the political and literary progress of the nation has not in five centuries shown any indications of approaching languor or even abated speed.

## CHAP. V.

## EDWARD THE SECOND TO HENRY THE FIFTH.

CHAP. THE reigns of William the Norman and his sons  
 V. the age of conquest. It was followed by the splen-  
 1307. empire of Henry the Second, by the period of rev-  
 olutions under John, and finally by the age of formati-  
 on and establishments resisted by the feeble Henry, and  
 consolidated, in spite of his ambition, by the martial  
 and politic Edward. On the deathbed of the latter  
 he enjoined his imbecile son to banish his minion, Piers  
 Gaveston, a handsome youth of Gascony. He also  
 caused him to swear that, as soon as he should be dead,  
 his body should be boiled in a huge caldron till the  
 flesh should be separated from the bones; that the flesh  
 should be buried, and the bones carried against the  
 Scots: "for," says an ancient historian\*, "he believed  
 that as long as his bones should be carried against the  
 Scots, that people never would be victorious." Nor  
 is it altogether incredible that the fierce rancour of  
 a dying ambition should anticipate a gratification after  
 death, by embodying itself in a malignant prophecy.

EDWARD THE SECOND, however, disregarded his  
 father's injunctions, not because he was above ambition,  
 but because he was below it. He withdrew his army  
 ingloriously from Scotland; but it was to throw himself  
 into the arms of his favourite, on whom he lavished the  
 hoards which his father had amassed, if not for more  
 innocent, at least for less disgraceful purposes. Gaveston  
 received the King's niece in marriage, was raised

\* Froissart.

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o the royal dignity of earl of Cornwall, loaded with honors in every part of the country, and made warden of England when the monarch himself went to solemnise his nuptials with the princess Isabella of France, celebrated as one of the most beautiful women of her age. The barons compelled the King to consent more than once to Gaveston's banishment; but the minion always found means to return. Buffoonery, sarcasm, personal ridicule, are among the most successful of those arts by which sycophants soothe the ears of the powerful; and they were liberally employed by the Gascon for the delicious amusement of the King. After four years of disgraceful resistance, the barons extorted a reformation of abuses from Edward in full parliament. The King's gifts to his minion were revoked: the minion himself was banished: the King was not to leave the kingdom to make war without consent of the barons, who were to choose the guardian in the royal absence: all the great officers of the crown and governors of foreign possessions were to be named by the advice and assent of parliament. These last provisions, though clothed in less courteous language than what is becoming as well as politic in milder times, cover the important principle that the previous confidence of the representatives of the people is requisite to render the choice of public officers agreeable to the constitution. The Great Charter was once more confirmed, and a new provision was added, so important, and so often misunderstood, that it has been deemed fit to print it in this place:— "Inasmuch as many people be aggrieved by the King's advisers against right, in respect to which grievances none can recover without a common parliament; we ordain that the King shall hold a parliament once in a year, or twice if need be."\* It is manifest from the nature of the grievance, as well as from the express words of the enactment, that this statute provides for

\* 5 E. II. c. 29. Statutes of the Realm, vol. i. p. 165.

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the meeting of a parliament, and not for its election duration, which never were regulated by statute. The triennial acts of 1642 and 1691. It is, however, that as the parliaments of that age quickly discharged their simple business, prorogation was infrequently a parliament was, in the majority of cases, elected often as it was assembled.

Gaveston returned in defiance of his proscription. He was taken prisoner on capitulation, and committed to the custody of the earl of Warwick, whom in moments of servile buffoonery he used to call "the Black Dog of Arden." A council was held at Warwick castle to deliberate on his fate. A voice decided it: "You have caught the fox; if you let him go, you will have to hunt him again," said one whose name has not descended to us. The barons disregarded the capitulation. The favourite was hurried to death, and beheaded on Blacklow Hill, within a short distance of Warwick. Feeble tyrants are as remarkable for the levity with which they sacrifice their parasites, as for the intention with which they put themselves into their hands. It is not to be dissembled that the barons treated the contest with the favourite as a struggle which of the two should govern a king incapable of governing either or indeed himself. The incapacity of the latter was length avowed as a ground of deposition; but it can be denied that many of the confederacies to regulate the exercise of prerogative, however justifiable originally either by necessity or inexperience, became in the riper years of the constitution, liable to the charge of being turned into occasions of personal aggrandizement.

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A peace ensued. The King then proceeded to Ireland, Scotland, where he fought a battle at Bannockburn near Stirling, from which he escaped by a flight of thirty miles in one day, leaving his powerful army dispersed or cut to pieces. Undisciplined armies are liable

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ics; and the short period of military service in the  
dle ages familiarised them to dispersion. Hence  
astonishing vicissitudes of fortune which chequer  
barian war. At last England was compelled to  
clude a truce for twelve years with Robert Bruce as  
; of Scotland; and that great man amply atoned for  
vacillation of his youth, by a reign as justly cele-  
ded for wise policy as his early life had been adorned  
heroic valour. He lived to sign a peace, in which it  
stipulated "that Scotland should remain to Robert  
; of Scots, and his heirs and successors, free and  
ded from England, without any subjection or right  
ervice."

ugh le Despencer the younger, whose father, a baron  
ended from the Conqueror's steward, had been in  
trust under Edward the First, succeeded to the  
ur which the Gascon adventurer had enjoyed at  
t. Thomas, earl of Lancaster, the grandson of  
ry the Third, was the leader of the barons, se-  
led by Roger Mortimer, the powerful warden of the  
sh marches, and secretly favoured by the queen,  
had seen with indignation the insensibility of  
ard to her charms, and the over-ruling influence  
o ignoble a competitor as Gaveston. The Baronial  
y took arms against the new favourite. They com-  
ed the King to banish him, together with Le De-  
cer the elder, who appears to have been guilty  
of being the favourite's father. The following  
; however, the royal forces obtained a signal vic-  
at Boroughbridge. The earl of Lancaster, the  
tfort of this reign, was made prisoner, and in a few  
led to his own castle of Pomfret, where he was  
tly after beheaded, as an offering to the memory of  
eston, in whose death he was believed to have had  
are.

rom the official account of the battle of Borough-  
ge recently published by Mr., now Sir Francis,